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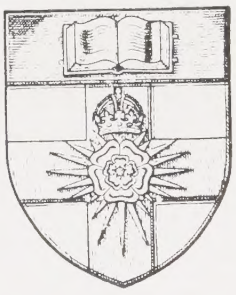

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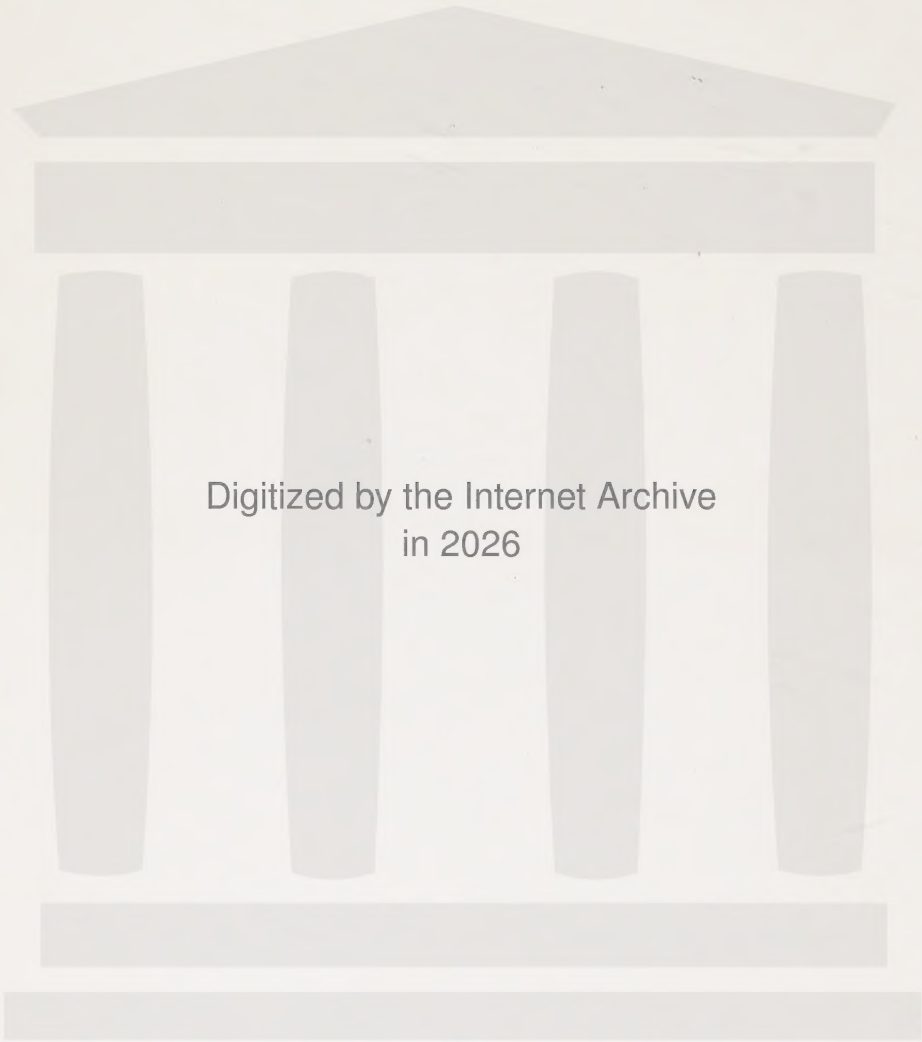

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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

PASSED IN THE

Thirty-first and Thirty-second Years

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the THIRD SESSION of the NINETEENTH PARLIAMENT of the United Kingdom of GREAT BRITAIN AND IRELAND.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
1868.

A

TABLE

OF

All the STATUTES passed in the THIRD Session of the NINETEENTH Parliament of the United Kingdom of GREAT BRITAIN AND IRELAND.

31° & 32° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to apply the Sum of Two million Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-eight.

II. An Act to grant to Her Majesty additional Rates of Income Tax.

III. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (*Ireland*) Act, 1863," and the Acts amending the same.

IV. An Act to amend the Law relating to Sales of Reversions.

V. An Act for the Amendment of "The Metropolitan Streets Act, 1867."

VI. An Act to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of *Totnes*, *Reigate*, *Great Yarmouth*, and *Lancaster*.

VII. An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.*

VIII. An Act to provide for the Acquisition of a Site for a Museum in the East of *London*.

IX. An Act to regulate the Disposal of extra Receipts of Public Departments.

X. An Act to apply the Sum of Three hundred and sixty-two thousand three hundred and ninety-eight Pounds Nineteen Shillings and Ninepence out of the Consolidated Fund to the Service of the Years ending the Thirty-first Day of *March* One thousand eight hundred and sixty-seven and the Thirty-first Day of *March* One thousand eight hundred and sixty-eight.

XI. An Act to amend an Act to make further Provision for the Despatch of Business in the Court of Appeal in Chancery.

XII. An Act to facilitate the Alteration of Days upon which, and of Places at which, Fairs are now held in *Ireland*.

XIII. An Act to apply the Sum of Six million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

XIV. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

XV. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

XVI. An Act to apply the Sum of Seventeen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

XVII. An Act to further continue and appropriate the *London* Coal and Wine Duties.

XVIII. An Act to give further Time for making certain Railways.

XIX. An Act for declaring valid certain Orders of Her Majesty in Council relating to the Ecclesiastical Commissioners for *England* and to the Deans and Chapters of certain Churches.

XX. An Act to enable Persons in *Ireland* to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

XXI. An Act to provide Compensation to Officers of certain discontinued Prisons.

XXII. An Act to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for Trial.

XXIII. An Act to render valid Marriages heretofore solemnized in the Chapel of Ease of *Frampton Mansel* in the Parish of *Sapperton* in the County of *Gloucester*.

XXIV. An Act to provide for carrying out of Capital Punishment within Prisons.

XXV. An Act to extend the Industrial Schools Act to *Ireland*.

XXVI. An Act to enable certain guaranteed *Indian* Railway Companies to raise Money on Debenture Stock.

XXVII. An

XXVII. An Act for raising the Sum of One million six hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

XXVIII. An Act to grant certain Duties of Customs and Income Tax.

XXIX. An Act to amend the Law relating to Medical Practitioners in the Colonies.

XXX. An Act to amend the Act of the Seventh and Eighth Years of the Reign of *Victoria*, Chapter Forty-four, relating to the Formation of *quoad sacra* Parishes in *Scotland*, and to repeal the Act of the Twenty-ninth and Thirtieth Years of the Reign of *Victoria*, Chapter Seventy-seven.

XXXI. An Act to amend the Act passed in the Session of Parliament held in *Ireland* in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better Regulation of Stockbrokers*.

XXXII. An Act for annexing Conditions to the Appointment of Persons to Offices in certain Schools.

XXXIII. An Act for the Collection and Publication of Cotton Statistics.

XXXIV. An Act to alter some Provisions in the existing Acts as to Registration of Writs in certain Registers in *Scotland*.

XXXV. An Act to extend the Provision in "The Duchy of *Cornwall* Management Act, 1863," relating to permanent Improvements.

XXXVI. An Act to make perpetual the Alkali Act, 1863.

XXXVII. An Act to amend the Law relating to Documentary Evidence in certain Cases.

XXXVIII. An Act for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in *India*.

XXXIX. An Act to give Relief to Jurors who may refuse or be unwilling from alleged conscientious Motives to be sworn in Civil or Criminal Proceedings in *Scotland*.

XL. An Act to amend the Law relating to Partition.

XLI. An Act to make Provision in the Case of Boroughs ceasing to return Members to serve in Parliament respecting Rights of Election which have been vested in Persons entitled to vote for such Members.

XLII. An Act to amend the Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Fifty, by abolishing the Rate imposed by the said Act on all Occupiers of Premises within the extended Municipal Boundaries of the City of *Edinburgh*.

XLIII. An Act for extending the Provisions of The *Thames* Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the Powers of the Metropolitan Board of Works in relation to Loans under that Act.

XLIV. An Act for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes.

XLV. An Act to carry into effect a Convention between Her Majesty and the Emperor of the *French* concerning the Fisheries in the Seas adjoining the *British* Islands and *France*, and to amend the Laws relating to *British* Sea Fisheries.

XLVI. An Act to settle and describe the Limits of certain Boroughs and the Divisions of certain Counties in *England* and *Wales*, in so far as respects the Election of Members to serve in Parliament.

XLVII. An Act to amend "The Consecration of Churchyards Act, 1867."

XLVIII. An Act for the Amendment of the Representation of the People in *Scotland*.

XLIX. An Act to amend the Representation of the People in *Ireland*.

L. An Act to amend the Acts for the Administration of Prisons in *Scotland* in so far as regards the County of *Lanark;* and for other Purposes.

LI. An Act to amend the Law relating to Fairs in *England* and *Wales*.

LII. An Act to amend the Act for punishing idle and disorderly Persons, and Rogues and Vagabonds, so far as relates to the Use of Instruments of Gaming.

LIII. An Act to continue in force an Act of the Second Year of King *George* the Second, Chapter Nineteen, for the better Regulation of the Oyster Fishery in the River *Medway*.

LIV. An Act to render Judgments or Decrees obtained in certain Courts in *England*, *Scotland*, and *Ireland* respectively effectual in any other Part of the United Kingdom.

LV. An Act to provide for the Collection by means of Stamps of Fees payable in the Supreme and Inferior Courts of Law in *Scotland*, and in the Offices belonging thereto; and for other Purposes relative thereto.

LVI. An Act to amend the Act Twenty-fifth and Twenty-sixth *Victoria*, Chapter Sixty-six, for the safe keeping of Petroleum.

LVII. An Act to make Provision for the Appointment of Members of the Legislative Council of *New Zealand*, and to remove Doubts in respect of past Appointments.

LVIII. An Act to amend the Law of Registration so far as relates to the Year One thousand eight hundred and sixty-eight, and for other Purposes relating thereto.

LIX. An Act to amend the Law relating to Reformatory Schools in *Ireland*.

LX. An Act to make better Provision for the Management and Use of the *Curragh* of *Kildare*.

LXI. An

LXI. An Act for removing Doubts as to the Validity of certain Marriages between *British* Subjects in *China* and elsewhere, and for amending the Law relating to the Marriage of *British* Subjects in Foreign Countries.

LXII. An Act to extend the Provisions of "The Renewable Leasehold Conversion (*Ireland*) Act" to certain Leasehold Tenures in *Ireland*.

LXIII. An Act to enable Commissioners appointed to inquire into the Failure of the Bank of *Bombay* to examine Witnesses on Oath in the United Kingdom.

LXIV. An Act to improve the System of Registration of Writs relating to Heritable Property in *Scotland*.

LXV. An Act to amend the Law relating to the Use of Voting Papers in Elections for the Universities.

LXVI. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of the Reign of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

LXVII. An Act to amend the Law relating to the Funds provided for defraying the Expenses of the Metropolitan Police.

LXVIII. An Act to facilitate Liquidation in certain Cases of Bankruptcy Arrangement and Winding-up.

LXIX. An Act to assimilate the Law in *Ireland* to the Law in *England* as to Costs in Actions of Libel.

LXX. An Act to amend "The Railways (*Ireland*) Act, 1851," "The Railways (*Ireland*) Act, 1860," and "The Railways (*Ireland*) Act, 1864," as to the Trial of Traverses.

LXXI. An Act for conferring Admiralty Jurisdiction on the County Courts.

LXXII. An Act to amend the Law relating to Promissory Oaths.

LXXIII. An Act to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament.

LXXIV. An Act to extend the Powers of Poor Law Inspectors and Medical Inspectors in *Ireland*.

LXXV. An Act to amend the Law relating to Petit Juries in *Ireland*.

LXXVI. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXXVII. An Act to amend the Law relating to Appeals from the Court of Divorce and Matrimonial Causes in *England*.

LXXVIII. An

LXXVIII. An Act to amend the Law relating to Proceedings instituted by the Admiralty; and for other Purposes connected therewith.

LXXIX. An Act to further amend the Law relating to Railway Companies.

LXXX. An Act to amend the Contagious Diseases Act, 1866.

LXXXI. An Act to authorize Loans of Public Money to the *Portpatrick* and the *Belfast and County Down* Railway Companies, and a Payment to the *Portpatrick* Company in consequence of the Abandonment of the Communication between *Donaghadee* and *Portpatrick*.

LXXXII. An Act to abolish the Power of levying the Assessment known as "Rogue Money," and in lieu thereof to confer on the Commissioners of Supply of Counties in *Scotland* the Power of levying a "County General Assessment."

LXXXIII. An Act to afford greater Facilities for the Ministrations of Army Chaplains.

LXXXIV. An Act to amend in several Particulars the Law of Entail in *Scotland*.

LXXXV. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-nine, and to appropriate the Supplies granted in this Session of Parliament.

LXXXVI. An Act to enable Assignees of Marine Policies to sue thereon in their own Names.

LXXXVII. An Act to amend the Act of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Fifty-two, intituled *An Act to further extend and make compulsory the Practice of Vaccination in* Ireland.

LXXXVIII. An Act for transferring the Fee and other Funds of the Courts of Chancery and Exchequer in *Ireland* to the Consolidated Fund.

LXXXIX. An Act to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office.

XC. An Act to empower certain Public Departments to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased.

XCI. An Act to settle an Annuity upon Lieutenant General Sir *Robert Napier*, G.C.B., G.C.S.I., and the next surviving Heir Male of his Body, in consideration of his eminent Services.

XCII. An Act to declare the Powers of the General Assembly of *New Zealand* to abolish any Province in that Colony, or to withdraw from any such Province any Part of the Territory thereof.

XCIII. An

XCIII. An Act to remove Doubts respecting the Operation of the *New Zealand* Company's Act of the Ninth and Tenth Years of *Victoria*, Chapter Three hundred and eighty-two (Local and Personal).

XCIV. An Act to authorize the further Extension of the Period for Repayment of Advances made under the Railway Companies (*Ireland*) Temporary Advances Act, 1866.

XCV. An Act to amend the Procedure in the Court of Justiciary and other Criminal Courts in *Scotland*.

XCVI. An Act to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in *Scotland*.

XCVII. An Act to make Provision for the Audit of Accounts of District Lunatic Asylums in *Ireland*.

XCVIII. An Act to make Provision for the Payment of Salaries to Clerks of the Peace and Clerks of the Crown in certain Boroughs in *Ireland*.

XCIX. An Act to continue certain Turnpike Acts in *Great Britain*, to repeal certain other Turnpike Acts, and to make further Provision concerning Turnpike Roads.

C. An Act to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of *Scotland*, and to make certain Changes in the other Courts thereof.

CI. An Act to consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in *Scotland*, and to make certain Changes in the Law of *Scotland* relating to Heritable Rights.

CII. An Act to alter the Qualifications of the Electors in Places in *Scotland* under the "General Police and Improvement (*Scotland*) Act, 1862," or under the Act Thirteen and Fourteen *Victoria*, Chapter Thirty-three, and to amend the said Acts in certain other respects.

CIII. An Act to amend the Law which regulates the Burials of Persons in *Ireland* not belonging to the Established Church.

CIV. An Act to amend the Bankruptcy Act, 1861.

CV. An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of *England* trading into *Hudson's Bay*," and for admitting the same into the Dominion of *Canada*.

CVI. An Act for the Prevention of the holding of unlawful Fairs within the Limits of the Metropolitan Police District.

CVII. An Act to amend the Law relating to the Indorsing of Warrants in *Scotland*, *Ireland*, and the *Channel Islands*.

CVIII. An Act to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in *Scotland*.

CIX. An Act for the Abolition of compulsory Church Rates.

CX. An Act to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs.

CXI. An Act to continue various expiring Laws.

CXII. An Act to amend the Law of Registration in *Ireland*.

CXIII. An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called *Saint James-the-Greater* Chapel, *Blakedown* in the Parish of *Hagley* in the County of *Worcester*.

CXIV. An Act to amend the Law relating to the Ecclesiastical Commissioners for *England*.

CXV. An Act to amend "The Sanitary Act, 1866."

CXVI. An Act to amend the Law relating to Larceny and Embezzlement.

CXVII. An Act to amend the District Church Tithes Act, 1865, and to secure Uniformity of Designation amongst Incumbents in certain Cases.

CXVIII. An Act to make further Provision for the good Government and Extension of certain Public Schools in *England*.

CXIX. An Act to amend the Law relating to Railways.

CXX. An Act to relieve the Consolidated Fund from the Charge of the Salaries of future Bishops, Archdeacons, Ministers, and other Persons in the *West Indies*.

CXXI. An Act to regulate the Sale of Poisons, and alter and amend the Pharmacy Act, 1852.

CXXII. An Act to make further Amendments in the Laws for the Relief of the Poor in *England* and *Wales*.

CXXIII. An Act to amend the Law relating to Salmon Fisheries in *Scotland*.

CXXIV. An Act to amend the Laws relating to the Inland Revenue.

CXXV. An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections.

CXXVI. An Act to enable Her Majesty the Queen to carry into effect a Convention made between Her Majesty and other Powers relative to a Loan for the Completion of Works for the Improvement of the Navigation of the *Danube*.

CXXVII. An Act to prevent the Removal of the Tower of the Church of *Saint Mary Somerset* in the City of *London*, and for vesting the said Tower and the Site thereof, and a Portion of the Burial Ground attached to the said Church, in the Corporation of the said City.

CXXVIII. An Act to extend the Provisions of the Act Twenty-eighth and Twenty-ninth *Victoria*, Chapter One hundred and thirteen, to Persons who have held the Office of Lord High Commissioner of the *Ionian Islands*.

CXXIX. An

CXXIX. An Act to amend the Law relating to the Registration of Ships in *British* Possessions.

CXXX. An Act to provide better Dwellings for Artizans and Labourers.

The Acts contained in the following List, being PUBLIC ACTS of a Local Character, are placed amongst the LOCAL AND PERSONAL ACTS.

ix. An Act to confirm certain Orders made by the Board of Trade under The Oyster and Mussel Fisheries Act, 1866, relating to the Rivers *Blackwater* (*Essex*) and *Hamble*. Vol. I., p. 81

x. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Workington*, *Walton-on-the-Hill*, *West Derby*, *Eton*, *Llanelly*, *Oxenhope* and *Stanbury*, and *Keighley*, and for other Purposes relative to certain Districts under the said Act. Vol. I., p. 89

xi. An Act to confirm certain Provisional Orders under "The General Police and Improvement (*Scotland*) Act, 1862," relating to the Burghs of *Perth* and *Brechin*. Vol. I., p. 101

xii. An Act to confirm a Provisional Order under the "General Police and Improvement (*Scotland*) Act, 1862," relating to the Burgh of *Broughty Ferry*. Vol. I., p. 109

xxxi. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*. Vol. I., p. 325

xlvi. An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to *Brightlingsea*, *Clevedon*, *Morecambe*, *Mousehole*, *Instow*, *Saltburn-by-the-Sea*, and *Southport*; and for amending the General Pier and Harbour Act, 1861. Vol. I., p. 561

xlvii. An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to *Carlingford Lough*, *Elgin* and *Lossiemouth*, *Greenock*, *Hunstanton*, *Tenby*, and *Torquay*. Vol. I., p. 597

lxxx. An Act to make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis. Vol. I., p. 1045

lxxxii. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. Vol. I., p. 1065

lxxxiii. An Act to confirm a Provisional Order under "The Drainage Act, 1861." Vol. I., p. 1069

lxxxiv. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Southampton*, *Bradford*, *Whitchurch* and *Dodington*, *Royton*, *Kendal*, and *Sunderland*. Vol. I., p. 1073

lxxxv. An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of *Tormoham* (*Devonshire*). Vol. I., p. 1089

lxxxvi. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Malvern*, *Cowpen*, *Bristol*, *Sheffield*, *Margate*, *Bognor*, and *Otley*; and for other Purposes relative to certain Districts under the said Act. Vol. I., p. 1097

cl. An Act to confirm a Provisional Order made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the City of *Salisbury*. Vol. II., p. 2317

cli. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (*Ireland*) Act, 1863," and the Acts amending the same. Vol. II., p. 2321

clii. An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of *Tunbridge Wells*. Vol. II., p. 2325

cliii. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Harrogate*, *Layton with Warbrick*, *Bury*, *Lower Brixham*, *Hexham*, *Tipton*, *Gainsborough*, *Worthing*, *Aberystwith*, *Cockermouth*, *Burnham*, *Wednesbury*, *Burton-upon-Trent*, *Hornsey*, and *Keswick*, and for other Purposes relative to certain Districts under the said Act. Vol. II., p. 2349

cliv. An Act to make better Provision for the Preservation and Improvement of the River *Lee* and its Tributaries; and for other Purposes. Vol. II., p. 2385

clv. An Act to confirm a Provisional Order under "The Public Health (*Scotland*) Act, 1867," relating to the Burgh of *Tain*. Vol. II., p. 2429

clvi. An Act to confirm a Provisional Order under "The Land Drainage Act, 1861." Vol. II., p. 2433

clvii. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (*Ireland*) Act, 1863," and the Acts amending the same. Vol. II., p. 2437

clviii. An Act to confirm a Provisional Order under The Drainage and Improvement of Lands (*Ireland*) Act, and the Acts amending the same. Vol. II., p. 2441

LOCAL AND PERSONAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

i. AN Act for granting further Powers to the *Burry Port and Gwendreath Valley* Railway Company.

ii. An Act to authorize a Diversion of the Line and Alteration of the Levels of the *Devon Valley* Railway; and for other Purposes.

iii. An Act to make further Provision for lighting with Gas the Town and Parish of *Loughborough* in the County of *Leicester;* to incorporate the *Loughborough* Gas and Coke Company; and for other Purposes.

iv. An Act to confer certain additional Powers upon the *North London* Railway Company.

v. An Act to empower the *Grand Junction* Waterworks Company to raise further Money; to acquire additional Land; and for other Purposes.

vi. An Act for authorizing a Deviation of the *Newquay and Cornwall Junction* Railway, and for extending the Time for the Completion of that Railway; and for conferring further Powers on the *Newquay and Cornwall Junction* Railway Company, and on *Treffry's* Trustees, with reference to the *Newquay* Railway; and for other Purposes.

vii. An Act to enable the Metropolitan Board of Works to make Improvements in the Parish of *Saint Marylebone* in the County of *Middlesex* by forming a new Street in lieu of *Stingo Lane* from the *Marylebone Road* to *Upper York Street.*

viii. An Act to authorize the Construction of a Subway under the *Thames* from *Tower Hill* to the opposite Side of the River.

P. ix. An Act to confirm certain Orders made by the Board of Trade under The Oyster and Mussel Fisheries Act, 1866, relating to the Rivers *Blackwater* (*Essex*) and *Hamble.*

P. x. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Workington, Walton-on-the-Hill, West Derby, Eton, Llanelly, Oxenhope* and *Stanbury,* and *Keighley,* and for other Purposes relative to certain Districts under the said Act.

P. xi. An Act to confirm certain Provisional Orders under "The General Police and Improvement (*Scotland*) Act, 1862," relating to the Burghs of *Perth* and *Brechin*.

P. xii. An Act to confirm a Provisional Order under the "General Police and Improvement (*Scotland*) Act, 1862," relating to the Burgh of *Broughty Ferry*.

xiii. An Act to authorize the Company of Proprietors of the *Lewes* Waterworks to raise more Money; and for other Purposes.

xiv. An Act to extend the Time for the compulsory Purchase of Lands, and for the Completion of the *Buckfastleigh, Totnes, and South Devon* Railway.

xv. An Act to provide for the finding and maintaining of One Chaplain in lieu of Two in the Parish of *Saint Saviour, Southwark;* and for other Purposes.

xvi. An Act for enabling the Local Board of Health for the District of *Loughborough* in the County of *Leicester* to construct and maintain Waterworks and supply Water within the District; to hold and regulate Fairs and Markets; and for other Purposes.

xvii. An Act for the altering, widening, and rebuilding a Bridge across the River *Severn* at *Stourport* in the County of *Worcester*, and for making further Provisions with respect to the said Bridge.

xviii. An Act for facilitating Arrangements with respect to the new Parish of *Saint Luke, King's Cross,* and other new Parishes and Districts, with a view to better Provision for the Cure of Souls within the original Limits of the Parish of *Saint Pancras* in the County of *Middlesex;* and for other Purposes.

xix. An Act to enable the *Dingwall and Skye* Railway Company to make Deviations of their authorized Line of Railway; and for other Purposes.

xx. An Act to authorize the *Brompton, Chatham, Gillingham, and Rochester* Waterworks Company to raise further Capital; and for other Purposes.

xxi. An Act to confer further Powers upon the *Carnarvon and Llanberis* Railway Company, and upon the *London and North-western* Railway Company, with respect to the *Carnarvon and Llanberis* Railway.

xxii. An Act for authorizing the Purchase by the Corporation of *Lincoln* of certain Common Rights, and the Diversion of a Road in *Canwick Common*, and the Sale of Portions of the said Common; and for other Purposes.

xxiii. An Act for incorporating the *Hythe and Sandgate* Gas and Coke Company (Limited), and defining the Limits of Supply of Gas by them, and regulating their Capital; and for other Purposes.

xxiv. An Act for empowering the Corporation of the Borough of *Leicester* to execute Works for Prevention of Floods on the River *Soar* and other Waters within the Borough, and additional Sewerage and Drainage Works, to make new Streets and Improvements, to establish

establish a Vegetable Market, and to make Arrangements with the Visitors of the *Leicestershire and Rutland* Lunatic Asylum, and for establishing sanitary and other Regulations for the Borough; and for other Purposes.

xxv. An Act for enabling the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee* to raise further Monies; and for other Purposes.

xxvi. An Act to extend the Time for the Purchase of Lands for the Construction of the *Chester and West Cheshire Junction* Railway.

xxvii. An Act to enable the Local Board of Health for the District of *Leamington Priors* in the County of *Warwick* to purchase the Property of the *Leamington* Royal Pump Room Company (Limited) at *Leamington Priors*, and to maintain a Pump Room and Baths and Public Gardens and Pleasure Grounds in *Leamington Priors* for the Use and Enjoyment of the Inhabitants thereof; and for other Purposes.

xxviii. An Act for supplying with Water the Parishes, Townships, and Places of *Slough, Upton-cum-Chalvey, Stoke Poges, Langley, Datchet,* and *Farnham Royal*, in the County of *Buckingham;* and for other Purposes.

xxix. An Act to authorize the Borough of *Portsmouth* Waterworks Company to make and maintain Works in connexion with their present Waterworks, and to raise more Money; and for other Purposes.

xxx. An Act to authorize "the City of *Dublin* Steam Packet Company" to make further Arrangements for the Investment of their Contingency Fund; and for other Purposes.

P. xxxi. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

xxxii. An Act to dissolve and re-incorporate the *Cork* Gas Consumers Company, Limited, and to provide for lighting the City of *Cork* with Gas; and for other Purposes.

xxxiii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cork* to make a Diversion in the Line of the *Cork, Blackrock, and Passage* Railway; to authorize Agreements with the Harbour Commissioners; to define and extend the Powers of the Corporation in reference to Water Supply and Matters of local Government; to raise further Monies; to alter and amend the existing Acts relating to the Borough; and for other Purposes.

xxxiv. An Act for improving the Supply of Water to the Borough of *Haverfordwest*, for facilitating the Recovery of Market and other Tolls and Dues leviable in the Borough, for improving the Recreation Ground of the Borough; and for other Purposes.

xxxv. An Act to authorize the *Farnworth and Kearsley* Gas Company to raise additional Capital; and for other Purposes.

xxxvi. An Act to extend the Limits of the Act for appointing a Stipendiary Justice of the Peace for the Parish of *Merthyr Tidvil* and adjoining Places; and for other Purposes.

xxxvii. An

xxxvii. An Act to enable the *Knighton*, the *Central Wales*, and the *Central Wales Extension* Railway Companies to take a Lease of the *Vale of Towy* Railway jointly with the *Llanelly* Railway and Dock Company; and for other Purposes.

xxxviii. An Act for vesting the several Undertakings of the *Knighton*, the *Central Wales*, and the *Central Wales Extension* Railway Companies in the *London and North-western* Railway Company; and for other Purposes.

xxxix. An Act to extend the Time for the Purchase of Lands for and for the Completion of certain of the Railways of the *Glasgow and South-western* Railway Company; and for other Purposes.

xl. An Act for enabling the *Brentford* Gas Company to raise additional Capital; to construct new Works; to vary and extend the Limits of Supply; and for other Purposes.

xli. An Act to authorize the *Burslem and Tunstall* Gas Company to raise further Capital; and for other Purposes.

xlii. An Act to incorporate the *Clevedon* Gas Company, and to make further Provision for lighting with Gas the Parish of *Clevedon*, and certain Parishes and Places in the Neighbourhood thereof, in the County of *Somerset*.

xliii. An Act for conferring additional Powers on the *Midland* Railway Company for the raising of further Capital and the Construction of new Works; and for other Purposes.

xliv. An Act for making and maintaining a Market in the Parish of *St. Mary, Lambeth*, in the County of *Surrey*.

xlv. An Act for authorizing the *Leeds* New Gas Company to raise further Money, and acquire additional Lands; and for other Purposes.

P xlvi. An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to *Brightlingsea, Clevedon, Morecambe, Mousehole, Instow, Saltburn-by-the-Sea*, and *Southport;* and for amending the General Pier and Harbour Act, 1861.

P. xlvii. An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to *Carlingford Lough, Elgin* and *Lossiemouth, Greenock, Hunstanton, Tenby*, and *Torquay*.

xlviii. An Act for dissolving and re-incorporating the Proprietors of the *Yeadon and Guiseley* Gaslight and Coke Company; and for other Purposes.

xlix. An Act to confer further Powers on the *Midland* and *London and North-western* Railway Companies for the Construction of Works in connexion with their *Ashby and Nuneaton* Railway; and for other Purposes.

l. An Act for authorizing the *North and South Western Junction* Railway Company to make a Deviation or Alteration in their Main Line of Railway; to raise further Monies; and for other Purposes.

li. An

li. An Act to extend the Time for the Purchase of Lands, and for the Completion of the *Uxbridge and Rickmansworth* Railway.

lii. An Act to extend the Time for the Purchase of Lands, and for the Completion of the *Acton and Brentford* Railway.

liii. An Act to authorize the Construction by the *Great Northern* Railway Company of a new Road in the Town of *Leeds;* and for other Purposes.

liv. An Act to confirm the Issue of Stocks and Shares of the *Great Western* Railway Company in Payment of Dividends to the Holders of Stocks or Shares in the Company.

lv. An Act to repeal "The *West Riding and Grimsby* Railway (Extension) Act, 1865."

lvi. An Act to incorporate the *Ystrad* Gas and Water Company, Limited, and to make Provisions for the Supply of Gas and Water in the Parish of *Ystradyfodwg* in the County of *Glamorgan;* and for other Purposes.

lvii. An Act for amending the Provisions of "The *Alexandra* (*Newport*) Dock Act, 1865," with respect to the borrowing Powers of the *Alexandra* (*Newport*) Dock Company; and for other Purposes.

lviii. An Act to incorporate the *Humber* Conservancy Commissioners, and to make Provision for a Lease to them of Foreshores of the *Humber* and the Estuary thereof between the Confluence into the same of the Rivers *Ouse* and *Trent* and the Sea, and to amend the Enactments relating to the Commissioners; and for other Purposes.

lix. An Act for the Establishment of a united Constabulary Force in and for the University and City of *Oxford.*

lx. An Act to empower the Corporation of *Reading* to alter and improve or rebuild *Caversham Bridge* in the Counties of *Berks* and *Oxford;* and for other Purposes.

lxi. An Act to amend and enlarge the Provisions of "The *Reading* Waterworks Act, 1851;" to make further and better Provision for supplying the Town of *Reading* and the adjoining Districts with Water; and for other Purposes.

lxii. An Act to extend the Time for constructing the *Wexford* Branch and the *Kingstown Connecting* Branch of the *Dublin, Wicklow, and Wexford* Railway Company; to make Arrangements as to the Capital of the Company; and for other Purposes.

lxiii. An Act to authorize the Abandonment of certain Portions of the Railways authorized by "The *North British* and *Edinburgh and Glasgow* (*Bridge of Forth*) Railways Act, 1865;" also an Extension of Time for the compulsory Purchase of Lands and the Completion of other Portions of the said Railways; and for other Purposes.

lxiv. An Act to extend the Time for the Purchase of Lands for and the Construction of the Railways authorized by the *Lancashire and Yorkshire* Railway (*Ripponden* and *Stainland* Branches, &c.) Act, 1865; to empower the *Lancashire and Yorkshire* Railway Company to subscribe to the *Hull* Docks; and for other Purposes.

lxv. An Act for further regulating the Capital of the *Bristol and Exeter* Railway Company, and for authorizing the Abandonment of the *Tiverton and North Devon* Railway; for extending the Time for making the *Brean* Railway; and for other Purposes.

lxvi. An Act for incorporating and granting certain Powers to the *Peterborough* Gas Company.

lxvii. An Act to authorize the Corporation of *Chichester* to remove the present Cattle Market, and to provide a new Cattle Market; and for other Purposes.

lxviii. An Act to amend the *Downpatrick, Dundrum, and Newcastle* Railway Act, 1866.

lxix. An Act to extend the Time for completing certain of the authorized Works of the *London and South-western* Railway Company; and for other Purposes.

lxx. An Act for altering and amending "The *Maryport* Improvement and Harbour Act, 1866;" for authorizing new Works and extending the Powers of the Trustees; and for other Purposes.

lxxi. An Act for the Abandonment of the Undertaking of the *Ilfracombe* Railway Company, and for the Dissolution of that Company; and for other Purposes.

lxxii. An Act for enabling the *Sunderland and South Shields* Water Company to extend their Works and their Supply of Water, and to raise additional Capital; and for other Purposes.

lxxiii. An Act to enable the *Potteries and Shrewsbury and North Wales* Railway Company to make a substituted Line of Railway, and to abandon a Portion of their authorized Railway; and for other Purposes.

lxxiv. An Act for dissolving the *Calverley* Gas Company (Limited) and the *Horsforth* Gas Company, and incorporating a Company for supplying with Gas certain Parts of the Parishes of *Calverley*, *Guiseley*, and *Addle*, in the West Riding of the County of *York*.

lxxv. An Act for empowering the Local Board for the District of *Wolborough* in the County of *Devon* to acquire Market and Fair Rights and Tolls, and to establish and hold Markets and Fairs; and for other Purposes.

lxxvi. An Act for better supplying with Gas the City of *Chichester* and adjoining Places; and for other Purposes.

lxxvii. An Act to incorporate the *Merthyr Tydfil* Gas Company, and to confer upon them Powers and make Provisions for more effectually supplying with Gas the Town of *Merthyr Tydfil* and its Neighbourhood; and for other Purposes.

lxxviii. An Act for better supplying with Water the Parishes of *Topsham*, *Clyst Saint George*, *Woodbury*, and *Lympstone*, in the County of *Devon*.

lxxix. An

lxxix. An Act to amend and enlarge the Provisions of "The *Warrington* Waterworks Act, 1855;" to extend the Limits of the Company for the Supply of Water; to make further and better Provision for supplying *Warrington* and the adjoining Districts with Water; and for other Purposes.

P. lxxx. An Act to make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis.

lxxxi. An Act to enable the Local Board of Health in and for the District of the Borough of *Reading* to acquire the Undertaking of the *Reading* Waterworks Company; and for other Purposes.

P. lxxxii. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

P. lxxxiii. An Act to confirm a Provisional Order under "The Drainage Act, 1861."

P. lxxxiv. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Southampton*, *Bradford*, *Whitchurch* and *Dodington*, *Royton*, *Kendal*, and *Sunderland*.

P. lxxxv. An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of *Tormoham* (*Devonshire*).

P. lxxxvi. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Malvern*, *Cowpen*, *Bristol*, *Sheffield*, *Margate*, *Bognor*, and *Otley*; and for other Purposes relative to certain Districts under the said Act.

lxxxvii. An Act for authorizing the *Morley* Gas Company to raise further Monies; and for other Purposes.

lxxxviii. An Act to enable the *Waterford and Limerick* Railway Company to raise additional Capital; and for other Purposes.

lxxxix. An Act for enlarging and improving the Court-houses and Public Buildings of the City of *Glasgow* and County of *Lanark*, and erecting additional Court-houses, Halls, and Buildings; and for other Purposes.

xc. An Act to amend "The *Ilchen* Floating Bridge Act, 1863;" and for other Purposes.

xci. An Act to extend the Powers of the *Stourbridge* Railway Company with respect to the Branch Railway to *Stourbridge*.

xcii. An Act for incorporating and granting other Powers to the *Worthing* Gaslight and Coke Company.

xciii. An Act to extend the Time for the Purchase of Lands and for the Construction of the Works authorized by "The *Clonmel, Lismore, and Dungarvan* Railway Act, 1865."

xciv. An

xciv. An Act to authorize and incorporate Commissioners to supply with Gas the Town of *Dundee* and Districts and Places adjacent, and to transfer to them the Gasworks of the *Dundee* Gaslight Company and the *Dundee* New Gaslight Company; and for other Purposes.

xcv. An Act for supplying with Water *Ruthin* and Places adjacent in the County of *Denbigh*.

xcvi. An Act to authorize "The Commissioners for improving the Port and Harbour of *Waterford*" to construct a Dry Dock and Road, and other Works connected therewith respectively; and for other Purposes.

xcvii. An Act for the Extension of Time for the Purchase of Lands and Completion of Works authorized by "The *Barry* Railway Act, 1865," and "The *Barry* Railway (Alteration) Act, 1866;" and for other Purposes.

xcviii. An Act for making a Tramway from the *Somerset and Dorset* Railway at *Glastonbury* to *Street* in the County of *Somerset;* and for other Purposes.

xcix. An Act for authorizing the *Teign Valley* Railway Company to make and maintain a Deviation of their authorized Railway; and for other Purposes.

c. An Act for making a Railway from the *Wycombe* Branch of the *Great Western* Railway to *Great Marlow* in the County of *Buckingham;* and for other Purposes.

ci. An Act for authorizing the *Tottenham and Hampstead Junction* Railway Company to raise further Monies; and for other Purposes.

cii. An Act to extend the Time for the compulsory Purchase of Lands for and for the Completion of the *Abergavenny and Monmouth* Railway.

ciii. An Act for granting Powers to the Proprietors of the *Windsor and Eton* Waterworks.

civ. An Act for authorizing the Corporation of the Borough of *Barrow-in-Furness* to supply with Gas and Water the Borough and adjacent Districts; to purchase the Undertaking of the *Furness* Gas and Water Company; for defining and extending the Powers of the Corporation in relation to the Improvement of the Borough, and to Police, and other Matters of Local Government; and for other Purposes.

cv. An Act for enabling the *Caledonian* Railway Company to abandon certain authorized Branches; for extending the Periods limited for the Acquisition of Lands and Construction of Works as respects their *Muirkirk* Branch; for raising additional Money; and for other Purposes.

cvi. An Act for consolidating the Acts relating to the Gaslight and Coke Company, for regulating their Capital, and for authorizing them to erect new Gasworks, and to construct other Works in connexion therewith, and to raise further Monies; and for other Purposes.

cvii. An Act to enable the *Kington and Eardisley* Railway Company to make Deviations of their authorized Railways; to abandon Portions of their Railways; to revive and extend the Powers of compulsory Purchase of Lands; and to use a Portion of the *Leominster and Kington* Railway; and for other Purposes.

cviii. An Act to grant further Powers to the *Metropolitan District* Railway Company.

cix. An Act for enabling the *Metropolitan* Railway Company to make a Junction Line in the Parish of *Saint Sepulchre* in the City of *London;* for giving Effect to Arrangements with other Companies; for extending the Time limited for the Purchase of certain Lands; for amending the Acts relating to the Company; and for other Purposes.

cx. An Act for the Improvement of the Township and District of *New Kilmainham* in the Barony of *Upper Cross* and County of *Dublin.*

cxi. An Act for altering the Streets in communication with the Embankment on the North Side of the *Thames;* for giving Effect to an Arrangement with the *South-eastern* Railway Company with respect to the Pier at *Hungerford*, and to an Arrangement with the *Metropolitan District* Railway Company; and for amending some of the Provisions of the Acts relating to the Embankment on the South Side of the *Thames;* and for other Purposes.

cxii. An Act to authorize the Provost, Magistrates, and Town Council of the Royal Burgh of *Dundee* to construct a Sea Wall so as to enclose a Portion of the Alveus of the Frith of *Tay* opposite to the Burgh, and to form an Esplanade and a Road or Street on and within such Sea Wall; and for other Purposes.

cxiii. An Act for repealing the Gun Barrel Proof Act, 1855, and for making other Provisions in lieu thereof; and for altering the Constitution of the Guardians of the *Birmingham* Proof House; and for better ensuring the due Proof of Gun Barrels; and for other Purposes.

cxiv. An Act to confer further Powers on the *Lancashire and Yorkshire* Railway Company, and on the *Lancashire Union* Railways Company, with respect to certain Railways in *Lancashire* authorized to be constructed by them severally or jointly.

cxv. An Act for authorizing the Abandonment of a Portion of the Undertaking of the *Lancashire Union* Railways Company, and for extending the Time for the Completion of other Portions thereof; and for other Purposes.

cxvi. An Act to confer further Powers on the *Wolverhampton and Walsall* Railway Company.

cxvii. An Act to separate for certain Purposes Portions of the Borough of *Belfast* from the County of *Down*, and for other Purposes relating to the Improvement and Regulation of the Borough.

cxviii. An Act for conferring additional Powers on the *London and North-western* Railway Company for the Construction of new Works, and in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

cxix. An Act for transferring the Waterworks of the *Dartford* Local Board of Health to the Company of Proprietors of the *Kent* Waterworks Company; and for other Purposes.

cxx. An Act for extending the Time limited for the compulsory Purchase of Lands authorized to be taken by the *London, Blackwall, and Millwall Extension* Railway Act, 1865, and also the Time limited for completing the Railways and Works under such Act; for authorizing Arrangements with other Companies; and for other Purposes in relation to the *London and Blackwall* Railway Company.

cxxi. An Act for granting further Powers to the *Saint Ives and West Cornwall Junction* Railway Company.

cxxii. An Act to authorize the *Holywell* Railway Company to divert and relinquish their authorized Railway, and to construct other Railways in substitution thereof; and for other Purposes.

cxxiii. An Act for the Abandonment of the Railways authorized by the *South-eastern* and *London, Chatham, and Dover* (*London, Lewes, and Brighton*) Railways Act, 1866.

cxxiv. An Act to authorize the Trustees of the *Clyde* Navigation to construct a Graving Dock, Quays or Wharfs, and other Works at the Harbour of *Glasgow*, and to borrow additional Money; and for other Purposes.

cxxv. An Act to amend the Metropolis Gas Act, 1860, and to make further Provision for regulating the Supply of Gas to the City of *London;* and for other Purposes connected therewith.

cxxvi. An Act for incorporating the *Eastbourne* Gas Company, and for conferring upon them further Powers for the Supply of Gas to the Town and Parish of *Eastbourne* and the Parish of *Willingdon* in the County of *Sussex;* and for other Purposes.

cxxvii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Halifax* to construct new Works in extension of their Waterworks; to extend their Limits of Supply; to acquire the Manufacturers' Hall; to improve the Borough of *Halifax;* and for other Purposes.

cxxviii. An Act for enabling the Corporation of the Borough of *Portsmouth* to construct a new Wharf or Quay in the *Camber;* for extending their Powers to levy Rates and Dues; and for other Purposes.

cxxix. An Act for authorizing the Local Board for the District of *Saint Mary Church* in the County of *Devon* to supply their District with Gas, to erect a Town Hall and other Buildings, and to raise Monies; and for other Purposes.

cxxx. An Act to amalgamate the Court of Record for the Hundred of *Salford* in the County of *Lancaster* and the Court of Record for the Trial of Civil Actions within the City of *Manchester*, and to constitute the said amalgamated Court the Court of Record for the Hundred of *Salford* in the County of *Lancaster*, with extended Powers, and to regulate the Practice and Procedure therein; and for other Purposes.

cxxxi. An

cxxxi. An Act to extend the Limits within which the *Staffordshire Potteries* Waterworks Company may supply Water, and to empower them to construct additional Works, and to raise additional Capital; and for other Purposes.

cxxxii. An Act for extending the Time allowed for the Completion by the *Llanelly* Harbour and *Burry* Navigation Commissioners of certain Works; and for other Purposes.

cxxxiii. An Act for incorporating a Company for supplying with Gas the Parish of *Llangonoyd* and other Places in the County of *Glamorgan*.

cxxxiv. An Act to authorize the *London, Brighton, and South Coast* Railway Company to abandon certain Works; and for other Purposes.

cxxxv. An Act to enable the Metropolitan Board of Works to embank the River *Thames* between the Royal Hospital at *Chelsea* and *Battersea Bridge* in the County of *Middlesex*, and to make a Roadway and other Works connected therewith; and for other Purposes.

cxxxvi. An Act to authorize the *Greenock and Ayrshire* Railway Company to make and maintain certain Railways and Works; and for other Purposes.

cxxxvii. An Act to extend the Powers of the *Pontypool, Caerleon, and Newport* Railway Company.

cxxxviii. An Act for improving and maintaining the Harbour of *Aberdeen*.

cxxxix. An Act to authorize the *North British* Railway Company to execute various Railways and Works, and to abandon certain Railways and Works; and to extend the Time for the compulsory Purchase of Lands and Completion of Works with reference to several Railways and Works; and to amend in various Particulars the Acts relating to the Company passed in the last Session of Parliament; and for other Purposes.

cxl. An Act for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Bradford* to make and maintain additional Waterworks, and for making additional Provision for Improvement of the Borough; and for other Purposes.

cxli. An Act to change the Name of the *Waterford and Kilkenny* Railway Company; to confer upon them further Powers; and for other Purposes.

cxlii. An Act for suspending legal Proceedings with reference to the *Brecon and Merthyr Tydfil Junction* Railway Company; for converting the Mortgage and other Debts into Debenture Stock; for authorizing the Completion of certain Lines of Railway; for regulating the Capital and future Management of the Company; and for other Purposes.

cxliii. An Act for conferring further Powers upon the *Derby* Waterworks Company.

cxliv. An

cxliv. An Act to enable the *Athenry and Ennis Junction* Railway Company to make Arrangements with other Companies; and for other Purposes.

cxlv. An Act for conferring further Powers on the *Great Western* Railway Company for the Construction of Works and in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

cxlvi. An Act for making the Acts of Parliament relating to the Ecclesiastical Commission applicable to the reputed Parishes of *Saint Leonard* and *Saint Mary Magdalen* in the Diocese of *Chichester;* and for other Purposes connected therewith.

cxlvii. An Act to extend the Time for the Purchase of Lands and Completion of Works of the *Ardmore* Harbour; and to confer further Powers on the *Ardmore* Harbour Company.

cxlviii. An Act to make Alterations in the Deed of Settlement of the *Norwich Union* Life Insurance Society; and for other Purposes.

cxlix. An Act for granting further Powers to "The *Metropolitan and Saint John's Wood* Railway Company."

P. cl. An Act to confirm a Provisional Order made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the City of *Salisbury*.

P. cli. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (*Ireland*) Act, 1863," and the Acts amending the same.

P. clii. An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of *Tunbridge Wells*.

P. cliii. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Harrogate, Layton with Warbrick, Bury, Lower Brixham, Hexham, Tipton, Gainsborough, Worthing, Aberystwith, Cockermouth, Burnham, Wednesbury, Burton-upon-Trent, Hornsey*, and *Keswick*, and for other Purposes relative to certain Districts under the said Act.

P. cliv. An Act to make better Provision for the Preservation and Improvement of the River *Lee* and its Tributaries; and for other Purposes.

P. clv. An Act to confirm a Provisional Order under "The Public Health (*Scotland*) Act, 1867," relating to the Burgh of *Tain*.

P. clvi. An Act to confirm a Provisional Order under "The Land Drainage Act, 1861."

P. clvii. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (*Ireland*) Act, 1863," and the Acts amending the same.

P. clviii. An Act to confirm a Provisional Order under The Drainage and Improvement of Lands (*Ireland*) Act, and the Acts amending the same.

clix. An Act for the Extension of Time and Revival of Powers for the compulsory Purchase of Lands and Completion of Works authorized by "The *Fareham and Netley* Railway Act, 1865;" and for other Purposes.

clx. An Act for the better Ecclesiastical Regulation of the Parish of *Saint Pancras* in the Diocese of *London* and the County of *Middlesex*.

clxi. An Act to extend the Time for the Purchase of Lands and Completion of the *Mersey* Railway; and for other Purposes.

clxii. An Act for the Abandonment of the Railway authorized by "The *Chichester and Midhurst* Railway (Extension) Act, 1865."

clxiii. An Act to confer further Powers on the *East London* Railway Company for the Execution of Works, and otherwise with reference to their Undertaking; and for other Purposes.

clxiv. An Act to extend the Time for the compulsory Purchase of Lands and Completion of Works authorized by several Acts relating to the *Great Eastern* Railway; and to alter certain Powers of appointing Directors of the *Great Eastern* Railway Company; and for other Purposes.

clxv. An Act for enabling the *Star* Life Assurance Society to sue and be sued in their own Name; and for other Purposes.

clxvi. An Act to empower the *Belfast Central* Railway Company to construct new Railways and Tramways and a Central Station, and to abandon Portions of their authorized Undertaking; and for other Purposes.

clxvii. An Act for making Street Tramways in *Liverpool;* and for other Purposes.

clxviii. An Act for making and maintaining a Market in the Borough of *Lambeth* in the County of *Surrey*.

clxix. An Act to extend the Powers of the *Waterloo and Whitehall* Railway Company with respect to a Portion of their authorized Undertaking.

clxx. An Act to provide for the Settlement of the Claims of the Contractors and others with respect to the Construction of the *Bishop Stortford* Railway, and for vesting the Possession of that Railway in the *Great Eastern* Railway Company.

clxxi. An Act to incorporate a Company for making "The *Weedon and Daventry* Railway;" and for other Purposes.

clxxii. An Act for granting certain Powers to the *South-eastern* Railway Company.

clxxiii. An Act to provide for the closing of the *Wey and Arun Junction* Canal, and the Sale of the Site thereof; and for other Purposes.

clxxiv. An Act for authorizing the *Devon and Cornwall* Railway Company to alter the Line and Levels of Parts of their Railways; and for other Purposes.

clxxv. An Act to alter and amend the Act relating to the Towns Drainage and Sewage Utilization Company; and for other Purposes.

clxxvi. An Act to make more effectual Provision for the working of the *Cork and Kinsale Junction* Railway; and for other Purposes.

clxxvii. An Act for fusing all the Revenues of the *Cambrian* Railways Company, and settling the Application thereof; and to confer Rights of Voting on the Preference Shareholders of that Company; and for other Purposes.

clxxviii. An Act to authorize the *Bristol and North Somerset* Railway Company to deviate from the authorized Line of their Railway at *Bristol*; and for other Purposes.

clxxix. An Act to extend and amend the Borrowing Powers of the *Belgravia* Road Company; and for other Purposes.

clxxx. An Act to grant further Powers to the *Cork and Macroom* (*Direct*) Railway Company.

clxxxi. An Act for making Railways in the *Isle of Wight* to connect *Newport* and *Cowes* with *Sandown*, *Ryde*, and *Ventnor*.

clxxxii. An Act to confer Facilities on the *Rathkeale and Newcastle Junction* Railway Company for raising Funds under their Borrowing Powers.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to incorporate the Trustees and Managers of *Alexander Scott*'s Hospital at *Huntly* in the County of *Aberdeen*, and to extend the Benefits thereof.

2. An Act to enable *William Dunn Gardner* Esquire, upon purchasing the respective Reversions of and in certain Leasehold Estates devised by the Will of *William Dunn Gardner*, deceased, to charge the said Estates with the Purchase Money and the Expenses incident to such Purchase, and to convey or cause to be conveyed the same Estates by way of Mortgage to secure the Payment of the said Purchase Money and Expenses, without incurring a Forfeiture of his Estate and Interest under the same Will; and for other Purposes.

3. An Act to enable Sir *Charles Compton William Domvile* Baronet to borrow upon the Security of his Entailed Estates situate in the County of *Dublin*, a Sum of Money for the Repayment to him of a Portion of the Monies laid out by him in the Improvement of the said Estates.

4. An Act for authorizing the Trustees under an Act passed in the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, for enabling the Duke of *Richmond* for the Time being to grant Jointures as therein mentioned, and for other Purposes, to sell certain Parts of the Duke of *Richmond's* Settled Estates, and to invest the Money to arise from such Sales in the Purchase of other Estates, to be settled to the same Uses; and also to raise a Sum of Thirty thousand Pounds by Mortgage of the Settled Estates, to be invested in the same Manner; and for other Purposes.

5. An Act to carry into effect an Arrangement approved in the Suits of "*Hamp* v. *Hamp*," "*Hamp* v. *Robinson*," and "*Hamp* v. *Bolt*," now depending in the High Court of Chancery, for the Purpose of compromising certain opposing Claims to the Real Estates of *Francis Hamp*, late of *Bacton Villa* in the Parish of *Bacton* in the County of *Hereford*, Esquire; and for other Purposes.

6. An Act to extend the Powers contained in the Will of the Right Honorable *John Savile Lumley Savile*, Earl of *Scarbrough*, deceased, and in the "*Savile* Estate (Leasing) Act, 1861," with respect to certain Estates in the County of *York*, Part of the *Savile* Estates devised by or subject to the Trusts of the said Will, and for other Purposes, and of which the Short Title is "*Savile* Estate (Extension of Powers) Act, 1868."

7. An

7. An Act to extend and amend *Ward Jackson*'s Estate Act, 1853; and for other Purposes.

8. An Act to provide for the vesting and Management of certain Funds held in trust by the Town Council of *Aberdeen;* and for other Purposes.

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NOT PRINTED.

9. An Act for rendering valid certain Letters Patent granted to *Perry Green Gardiner* of the City of *New York* in the *United States of America.*

10. An Act to confer upon *Henry William Ferdinand Bolckow* all the Rights, Privileges, and Capacities of a natural-born Subject of Her Majesty the Queen.

11. An Act to confer upon *Christian Allhusen* all the Rights, Privileges, and Capacities of a natural-born Subject of Her Majesty the Queen.

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INDEX

TO THE

PUBLIC GENERAL ACTS,

31° & 32° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

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I.	- - - -	Ireland.
E. & I.	- - -	England and Ireland.
G.B.	- - - -	Great Britain.
G.B. & I.	- - -	Great Britain and Ireland.
U.K.	- - -	The whole of the United Kingdom.

NOTE.—*Several Acts hitherto included in the Collection of Public General Statutes will now be found among the Local and Personal Acts. These are, principally, for the Confirmation of Provisional Orders under The Local Government Act, The Land Drainage Act, The Drainage and Improvement of Lands (Ireland) Act, The General Police and Improvement (Scotland) Act, The Public Health (Scotland) Act, and The Poor Law Amendment Act; also the annual Inclosure Acts, and others, which, although technically public, are purely of a local Character. They will be found under their respective Headings in the Index to the Local and Personal Acts.*

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INCLOSURE, &c. COMMISSION; to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office -	89.	E.
INCOME TAX; to grant to Her Majesty additional Rates of Income Tax - - - - -	2.	U.K.
——— to grant certain Duties of Income Tax - -	28.	U.K.
INCUMBENTS OF PARISHES, &c.; to amend the District Church Tithes Act, 1865 (28 & 29 Vict. c. 42.), and to secure Uniformity of Designation amongst Incumbents in certain Cases - - - - - - - -	117.	E. & I.
INDIAN PRIZE MONEY; for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India - - - - - -	38.	U.K.
INDIAN RAILWAY COMPANIES; to enable certain guaranteed Indian Railway Companies to raise Money on Debenture Stock - - - - - - - - - -	26.	U.K.
INDICTABLE OFFENCES ACT AMENDMENT. *See* INDORSING OF WARRANTS.		
INDORSING OF WARRANTS; to amend the Law relating to, in Scotland, Ireland, and the Channel Islands - - -	107.	G.B. & I.
INDUSTRIAL SCHOOLS; to extend the Industrial Schools Act (29 & 30 Vict. c. 118.) to Ireland - - - -	25.	I.
INLAND REVENUE; to amend the Laws relating to the Inland Revenue - - - - - - - - -	124.	U.K.
——— *See also* REVENUE OFFICERS, &c.		
INSPECTORS. *See* POOR RELIEF, &c.		
IONIAN ISLANDS; to extend the Provisions of the Act 28 & 29 Vict. c. 113. to Persons who have held the Office of Lord High Commissioner of the Ionian Islands -	128.	U.K.

	Cap.	Relating t
IRELAND, ACTS RELATING SPECIALLY TO. *See* ACTIONS FOR LIBEL. BURIALS. CHANCERY, COURT OF. CLERKS OF THE PEACE AND CROWN. CURRAGH OF KILDARE. DECLARATION OF LEGITIMACY, &c. DISTRICT LUNATIC ASYLUMS. DRAINAGE, &c. OF LANDS. ELECTIONS, PARLIAMENTARY. FAIRS. HABEAS CORPUS SUSPENSION. INDUSTRIAL SCHOOLS. JURIES. LEASEHOLD TENURES. LIBEL. MEDICAL INSPECTORS. PETIT JURIES. PORTPATRICK AND BELFAST, &c. RAILWAY. RAILWAYS. REFORMATORY SCHOOLS. REGISTRATION. RENEWABLE LEASEHOLD CONVERSION. REPRESENTATION OF THE PEOPLE. STOCKBROKERS. TRIAL OF TRAVERSES. VACCINATION.		

J.

JUDGMENTS EXTENSION; to render Judgments or Decrees obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other Part of the United Kingdom - - - -	54.	G.B. & I.
JURIES—JURORS; to amend the Law relating to Petit Juries in Ireland - - - - -	75.	I.
——— to give Relief to Jurors who may refuse or be unwilling from alleged conscientious Motives to be sworn in Civil or Criminal Proceedings in Scotland - -	39.	S.
JUSTICE, ADMINISTRATION OF. *See* ACTIONS FOR LIBEL. ADMIRALTY JURISDICTION. ADMIRALTY SUITS. AFFIRMATIONS. BANKRUPTCY. CAPITAL PUNISHMENT. CHANCERY. CORRUPT PRACTICES. COURT OF JUSTICIARY. COURT OF SESSION. CRIMINAL LAW PROCEDURE. DIVORCE COURT. DOCUMENTARY EVIDENCE. HABEAS CORPUS SUSPENSION. INDORSING OF WARRANTS. JUDGMENTS EXTENSION. JURIES. JUSTICIARY COURTS. LARCENY AND EMBEZZLEMENT. LIBEL. OATHS. PARTITION. TRIAL OF TRAVERSES. VAGRANT ACT AMENDMENT.		
JUSTICIARY, &c. COURTS; to amend the Procedure in the Court of Justiciary and other Criminal Courts in Scotland -	95.	S.
JUVENILE OFFENDERS. *See* INDUSTRIAL SCHOOLS. REFORMATORY SCHOOLS.		

K.

KILDARE (THE CURRAGH); to make better Provision for the Management and Use of the Curragh of Kildare - -	60.	I.

L.

LABOURERS DWELLINGS; to provide better Dwellings for Artizans and Labourers - - - - -	130.	G.B. & I.
LANARKSHIRE COUNTY PRISONS; to amend the Acts 23 & 24 Vict. c. 105. and 28 & 29 Vict. c. 84., for the Administration of Prisons in Scotland in so far as regards the County of Lanark, &c. - - - - -	50.	S.
LANCASTER, to forbid the Issue of a Writ for Members to serve in Parliament for the Borough of - - -	6.	E.

	Cap.	Relating to
LAND REGISTERS; to improve the System of Registration of Writs relating to Heritable Property in Scotland - -	64.	S.
LAND, TITLES TO; to consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in Scotland, and to make certain Changes in the Law of Scotland relating to Heritable Rights - - - - -	101.	S.
LANDS, DRAINAGE OF. *See* DRAINAGE, &c. OF LANDS.		
LARCENY AND EMBEZZLEMENT, to amend the Law relating to -	116.	E. & I.
LAW OF EVIDENCE. *See* DOCUMENTARY EVIDENCE.		
LAWS, EXPIRING; to continue various expiring Laws - -	111.	U.K.
LEASEHOLD TENURES; to extend the Provisions of "The Renewable Leasehold Conversion (Ireland) Act," (12 & 13 Vict. c. 105.) to certain Leasehold Tenures in Ireland -	62.	I.
LEGISLATIVE COUNCIL, NEW ZEALAND; to make Provision for the Appointment of Members of the Legislative Council of New Zealand, and to remove Doubts in respect of past Appointments - - - - - - -	57.	U.K.
LEGITIMACY DECLARATION; to enable Persons in Ireland to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects - -	20.	I.
LIBEL; to assimilate the Law in Ireland to the Law in England as to Costs in Actions of Libel - - - - -	69.	I.
LIMITS OF COUNTIES AND BOROUGHS. *See* BOUNDARY.		
LIQUIDATION; to facilitate Liquidation in certain Cases of Bankruptcy Arrangement and Winding-up - -	68.	E.
LITERARY PURPOSES, BUILDINGS FOR. *See* SITES OF RELIGIOUS, &c. BUILDINGS.		
LOANS. *See* DANUBE WORKS LOAN. METROPOLIS IMPROVEMENT. RAILWAYS.		
LOCK-UP HOUSES; to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for Trial - - - - - -	22.	E.
LONDON. *See* METROPOLIS, &c.		
LONDON COAL AND WINE DUTIES; to further continue and appropriate the London Coal and Wine Duties -	17.	E.
——— *See also* THAMES EMBANKMENT.		
LONDON MUSEUM SITE; to provide for the Acquisition of a Site for a Museum in the East of London - - -	8.	E.
LONDON (ST. MARY SOMERSET); to prevent the Removal of the Tower of the Church of Saint Mary Somerset, and for vesting the said Tower and the Site thereof, and a Portion of the Burial Ground attached to the said Church, in the Corporation of the City of London - - - -	127.	E.
LORD HIGH COMMISSIONER OF THE IONIAN ISLANDS. *See* COLONIAL GOVERNORS PENSIONS.		
LUNATIC ASYLUMS; to make Provision for the Audit of Accounts of District Lunatic Asylums in Ireland - -	97.	I.

M.

MAGISTRATES, ELECTION OF. *See* MUNICIPAL ELECTIONS.		
MARINE ASSURANCE, to enable Assignees of Marine Policies to sue thereon in their own Names - - - - -	86.	U.K.
MARINE MUTINY; for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - - -	15.	U.K.

	Cap.	Relating to
MARRIAGES VALIDITY; to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Blakedown, in the Parish of Hagley (Worcester)	113.	E.
——— to render valid Marriages heretofore solemnized in the Chapel of Ease of Frampton Mansel in the Parish of Sapperton (Gloucester)	23.	E.
——— for removing Doubts as to the Validity of certain Marriages between British Subjects in China and elsewhere, and for amending the Law relating to the Marriage of British Subjects in Foreign Countries	61.	U.K.
——— *See also* LEGITIMACY DECLARATION.		
MATRIMONIAL CAUSES. *See* DIVORCE, &c. COURT.		
MEDICAL ACT AMENDMENT; to amend the Law (21 & 22 Vict. c. 90.) relating to Medical Practitioners in the Colonies	29.	U.K.
MEDICAL INSPECTORS, to extend the Powers of, in Ireland	74.	I.
MEDICAL PRACTITIONERS. *See* MEDICAL ACT AMENDMENT. PHARMACY ACT.		
MEDWAY REGULATION; to continue in force the Act 2 Geo. 2. c. 19., for the better Regulation of the Oyster Fishery in the River Medway	53.	E.
MEMBERS OF PARLIAMENT. *See* ELECTIONS, PARLIAMENTARY.		
METROPOLIS IMPROVEMENT; for extending the Provisions of "The Thames Embankment and Metropolis Improvement (Loans) Act, 1864," (27 & 28 Vict. c. 61.,) and for amending the Powers of the Metropolitan Board of Works in relation to Loans under that Act	43.	E.
METROPOLITAN FAIRS; for the Prevention of the holding of unlawful Fairs within the Limits of the Metropolitan Police District	106.	E.
METROPOLITAN POLICE FUNDS; to amend the Law relating to the Funds provided for defraying the Expenses of the Metropolitan Police	67.	E.
METROPOLITAN STREETS ACT; for the Amendment of "The Metropolitan Streets Act, 1867," (30 & 31 Vict. c. 134.)	5.	E.
MILITIA PAY; to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers	76.	G.B. & I.
MUNICIPAL ELECTIONS; to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in Scotland	108.	S.
——— to alter the Qualification of the Electors in Places in Scotland under the Acts 25 & 26 Vict. c. 101. and 13 & 14 Vict. c. 33., and to amend the said Acts	102.	S.
MUNICIPAL RATE (EDINBURGH); to amend the Act 23 & 24 Vict. c. 50., by abolishing the Rate imposed by the said Act on all Occupiers of Premises within the extended Municipal Boundaries of the City of Edinburgh	42.	S.
MUSEUM, SITE FOR. *See* LONDON MUSEUM SITE.		
MUTINY; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	14.	U.K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore	15.	U.K.

N.

	Cap.	Relating to
NAPIER'S (SIR ROBERT) ANNUITY; to settle an Annuity upon Lieutenant General Sir Robert Napier, G.C.B., G.C.S.I., and the next surviving Heir Male of his Body, in consideration of his eminent Services - - - - -	91.	U.K.
NAVIGATION OF THE DANUBE. *See* DANUBE WORKS LOAN.		
NEW ZEALAND—NEW ZEALAND COMPANY; to make Provision for the Appointment of Members of the Legislative Council of New Zealand, and to remove Doubts in respect of past Appointments - - - - -	57.	U.K.
——— to declare the Powers of the General Assembly of New Zealand to abolish any Province in that Colony or to withdraw from any such Province any Part of the Territory thereof - - - - - -	92.	U.K.
——— to remove Doubts respecting the Operation of the New Zealand Company's Act, 9 & 10 Vict. c. cclxxxii. -	93.	U.K.

O.

OATHS; to amend the Law relating to Promissory Oaths -	72.	G.B. & I.
OFFICERS OF PRISONS COMPENSATION; to provide Compensation to Officers of certain discontinued Prisons - - - -	21.	E.
OFFICERS OF REVENUE. *See* REVENUE OFFICERS, &c.		
ORDERS IN COUNCIL; for declaring valid certain Orders of Her Majesty in Council relating to the Ecclesiastical Commissioners for England and to the Deans and Chapters of certain Churches - - - - - - - - -	19.	E.
OYSTER FISHERY IN THE MEDWAY; to continue in force the Act 2 Geo. 2. c. 19., for the better Regulation of the Oyster Fishery in the River Medway - - - - -	53.	E.

P.

PARISHES. *See* INCUMBENTS OF PARISHES, &c. UNITED PARISHES.		
PARLIAMENTARY ELECTIONS; to amend the Representation of the People in Ireland - - - - -	49.	I.
——— to amend the Representation of the People in Scotland	48.	S.
——— to amend the Law of Registration so far as relates to the Year 1868 - - - - - -	58.	E.
——— to amend the Law of Registration in Ireland - -	112.	I.
——— to settle and describe the Limits of certain Boroughs and the Divisions of certain Counties in England and Wales, in so far as respects the Elections of Members to serve in Parliament - - -	46.	E.
——— for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections -	125.	G.B. & I.
——— to amend the Law relating to the Use of Voting Papers in Elections for the Universities - - -	65.	E. & I.
——— to make Provision in the Case of Boroughs ceasing to return Members to serve in Parliament respecting Rights of Election which have been vested in Persons entitled to vote for such Members -	41.	E.
——— to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament - - -	73.	G.B. & I.
——— to forbid the Issue of Writs for Members to serve in Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster - - -	6.	E.

	Cap.	Relating to
PARTITION; to amend the Law relating to Partition	40.	E. & I.
PAY. *See* ARMY. MILITIA. PUBLIC DEPARTMENTS.		
PAYMENTS BY PUBLIC DEPARTMENTS; to empower certain Public Departments to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased	90.	U.K.
PENSIONS. *See* COLONIAL GOVERNORS PENSIONS.		
PERMANENT IMPROVEMENTS. *See* DUCHY OF CORNWALL.		
PETIT JURIES; to amend the Law relating to Petit Juries in Ireland	75.	I.
PETITIONS, ELECTION. *See* ELECTIONS, PARLIAMENTARY.		
PETROLEUM; to amend the Act 25 & 26 Vict. c. 66., for the safe keeping of	56.	G.B. & I.
PETTY SESSIONS AND LOCK-UP HOUSES; to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for Trial	22.	E.
PHARMACY ACT; to regulate the Sale of Poisons, and alter and amend the Pharmacy Act, 1852, (15 & 16 Vict. c. 56.)	121.	G.B.
POISONS, SALE OF. *See* PHARMACY ACT.		
POLICE RATES; to amend the Law relating to the Funds provided for defraying the Expenses of the Metropolitan Police	67.	E.
POLICE AND IMPROVEMENT; to alter the Qualifications of the Electors in Places in Scotland under the Act 25 & 26 Vict. c. 101., or under the Act 13 & 14 Vict. c. 33., and to amend the said Acts in certain other respects	102.	S.
POLICIES OF MARINE ASSURANCE; to enable Assignees of Marine Policies to sue thereon in their own Names	86.	U.K.
POOR RELIEF—POOR LAW; to make further Amendments in the Laws for the Relief of the Poor	122.	E.
——— to extend the Powers of Poor Law Inspectors and Medical Inspectors in Ireland	74.	I.
PORTPATRICK AND BELFAST AND COUNTY DOWN RAILWAY COMPANIES; to authorize Loans of Public Money to the Portpatrick and the Belfast and County Down Railway Companies, and a Payment to the Portpatrick Company, in consequence of the Abandonment of the Communication between Donaghadee and Portpatrick	81.	I.
POST OFFICE; to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs	110.	G.B & I.
——— *See also* REVENUE OFFICERS, &c.		
PRACTITIONERS (MEDICAL) IN THE COLONIES; to amend the Law (21 & 22 Vict. c. 90.) relating to	29.	U.K.
PRISONS; to provide Compensation to Officers of certain discontinued Prisons	21.	E.
——— to amend the Acts 23 & 24 Vict. c. 105. and 28 & 29 Vict. c. 84. for the Administration of Prisons in Scotland in so far as regards the County of Lanark; and for other Purposes	50.	S.
——— to provide for carrying out of Capital Punishment within Prisons	24.	G.B. & I.
——— *See also* LOCK-UP HOUSES.		
PRIZE MONEY (INDIA); for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India	38.	U.K.
PROCEDURE. *See* COURT OF JUSTICIARY. COURT OF SESSION. CRIMINAL LAW.		
PROMISSORY OATHS; to amend the Law relating to Promissory Oaths	72.	G.B. & I.

	Cap.	Reating to
PUBLIC DEPARTMENTS; to regulate the Disposal of extra Receipts of Public Departments	9.	U.K.
——— to empower certain Public Departments to pay otherwise than to Executors or Administrators small Sums due on account of Pay or Allowances to Persons deceased	90.	U.K.
PUBLIC HEALTH. *See* SANITARY ACT AMENDMENT.		
PUBLIC SCHOOLS; to make further Provision for the good Government and Extension of certain Public Schools in England	118.	E.
PUBLICATION OF COTTON STATISTICS; for the Collection and Publication of Cotton Statistics	33.	G.B. & I.
PUNISHMENT OF DEATH. *See* CAPITAL PUNISHMENT.		

Q.

QUOAD SACRA PARISHES. *See* UNITED PARISHES.

R.

RAILWAYS—RAILWAY COMPANIES; to further amend the Law (30 & 31 Vict. cc. 126, 127) relating to Railway Companies	79.	G.B. & I.
——— to amend the Law relating to Railways	119.	G.B. & I.
——— to give further Time for making certain Railways	18.	G.B. & I.
——— to amend the Railways (Ireland) Acts, 1851, 1860, and 1864 (14 & 15 Vict. c. 70., 23 & 24 Vict. c. 97., and 27 & 28 Vict. c. 71.) as to the Trial of Traverses	70.	I.
——— to authorize the further Extension of the Period for Repayment of Advances made under the Railway Companies (Ireland) Temporary Advances Act, 1866, (29 & 30 Vict. c. 95.)	94.	I.
——— to authorize Loans of Public Money to the Portpatrick and the Belfast and County Down Railway Companies, and a Payment to the Portpatrick Company, in consequence of the Abandonment of the Communication between Donaghadee and Portpatrick	81.	I.
——— to enable certain guaranteed Indian Railway Companies to raise Money on Debenture Stock	26.	U.K.
RECEIPTS (EXTRA) OF PUBLIC DEPARTMENTS. *See* PUBLIC DEPARTMENTS.		
REFORM ACTS. *See* REPRESENTATION OF THE PEOPLE.		
REFORMATORY SCHOOLS; to amend the Law relating to	59.	I.
REGISTRATION OF PARLIAMENTARY ELECTORS; to amend the Law of Registration so far as relates to the Year 1868, and for other Purposes relating thereto	58.	E.
——— to amend the Law of Registration in Ireland	112.	I.
REGISTRATION OF SHIPS; to amend the Law relating to the Registration of Ships in British Possessions	129.	U.K.
REGISTRATION OF WRITS; to alter some Provisions in the existing Acts as to Registration of Writs in certain Registers in Scotland	34.	S.
——— to improve the System of Registration of Writs relating to Heritable Property in Scotland	64.	S.
REGULATION OF RAILWAYS. *See* RAILWAYS, &c.		

	Cap.	Relating to
REIGATE, to forbid the Issue of a Writ for a Member to serve in Parliament for the Borough of - - - - -	6.	E.
RELIEF OF THE POOR; to make further Amendments in the Laws for the Relief of the Poor - - - -	122.	E.
RELIEF OF TURNPIKE TRUSTS. *See* TURNPIKE TRUSTS.		
RELIGIOUS, &c. BUILDINGS; for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes -	44.	E.
RENEWABLE LEASEHOLD CONVERSION; to extend the Provisions of "The Renewable Leasehold Conversion (Ireland) Act," (12 & 13 Vict. c. 105.) to certain Leasehold Tenures in Ireland - - - - - - -	62.	I.
REPRESENTATION OF THE PEOPLE; for the Amendment of the Representation of the People in Scotland - -	48.	S.
——— to amend the Representation of the People in Ireland -	49.	I.
REVENUE OFFICERS DISABILITIES REMOVAL; to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament -	73.	G.B. & I.
REVERSIONS, SALES OF; to amend the Law relating to Sales of Reversions - - - - - - -	4.	G.B. & I.
ROGUE MONEY; to abolish the Power of levying the Assessment known as "Rogue Money," and in lieu thereof to confer on the Commissioners of Supply of Counties in Scotland the Power of levying a "County General Assessment" -	82.	S.
ROYAL MARINES. *See* MARINE MUTINY.		
RUPERT'S LAND; for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England "trading into Hudson's Bay," and for admitting the same into the Dominion of Canada - - - - -	105.	U.K.

S.

SAINT MARY SOMERSET'S CHURCH; to prevent the Removal of the Tower of the Church of Saint Mary Somerset in the City of London, and for vesting the said Tower and the Site thereof, and a Portion of the Burial Ground attached to the said Church, in the Corporation of the said City -	127.	E.
SALARIES (CLERKS OF THE PEACE, &c.); to make Provision for the Payment of Salaries to Clerks of the Peace and Clerks of the Crown in certain Boroughs in Ireland - -	98.	I.
SALARIES (ECCLESIASTICAL); to relieve the Consolidated Fund from the Charge of the Salaries of future Bishops, Archdeacons, Ministers, and other Persons in the West Indies -	120.	U.K.
SALE OF POISONS; to regulate the Sale of Poisons, and alter and amend the Pharmacy Act, 1852, (15 & 16 Vict. c. 56.) -	121.	G.B.
SALES OF REVERSIONS, to amend the Law relating to - -	4.	G.B. & I.
SALMON FISHERIES; to amend the Law relating to Salmon Fisheries in Scotland - - - - - -	123.	S.
SANITARY ACT (1866) AMENDMENT - - -	115.	E.
SAPPERTON. *See* FRAMPTON MANSEL.		
SCHOOLS, ENDOWED; for annexing Conditions to the Appointment of Persons to Offices in certain Schools - -	32.	E.
SCHOOLS, INDUSTRIAL; to extend the Industrial Schools Act (29 & 30 Vict. c. 118.) to Ireland - - - -	25.	I.

	Cap.	Relating to
SCHOOLS, PUBLIC; to make further Provision for the good Government and Extension of certain Public Schools in England	118.	E.
SCHOOLS, REFORMATORY; to amend the Law relating to Reformatory Schools	59.	I.
SCOTLAND, ACTS RELATING SPECIALLY TO. *See* AFFIRMATIONS. CHURCH IN SCOTLAND. COUNTY GENERAL ASSESSMENT. COURT OF JUSTICIARY. COURT OF SESSION. COURTS OF LAW FEES. EDINBURGH MUNICIPAL RATE. ELECTIONS, PARLIAMENTARY. ENTAIL, LAW OF. FEES, &c. FISHERIES. GENERAL POLICE AND IMPROVEMENT. GLEBES. HERITABLE PROPERTY. JURIES. LANARKSHIRE COUNTY PRISONS. LAND REGISTERS. LAND, TITLES TO. MUNICIPAL ELECTIONS. MUNICIPAL RATE. PRISONS. REGISTRATION OF WRITS. REPRESENTATION OF THE PEOPLE. ROGUE MONEY. SALMON FISHERIES. SUPERIOR COURTS. TITLES TO LAND. UNITED PARISHES.		
SEA FISHERIES; to carry into effect a Convention between Her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea Fisheries	45.	U.K.
SEAMEN. *See* INDIAN PRIZE MONEY.		
SESSION, COURT OF; to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of Scotland, and to make certain Changes in the other Courts thereof	100.	S.
SESSIONS, PETTY. *See* PETTY SESSIONS, &c.		
SEWAGE. *See* SANITARY ACT AMENDMENT.		
SHIPS, REGISTRATION OF. *See* COLONIAL SHIPPING.		
SITE FOR THE LONDON MUSEUM; to provide for the Acquisition of a Site for a Museum in the East of London	8.	E.
SITES OF RELIGIOUS, &c. BUILDINGS; for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, and other Charitable Purposes	44.	E.
SOLDIERS. *See* ARMY. INDIAN PRIZE MONEY.		
STAMP OFFICE. *See* REVENUE OFFICERS, &c.		
STATISTICS (COTTON); for the Collection and Publication of Cotton Statistics	33.	G.B. & I.
STOCKBROKERS; to amend the Act 39 Geo. 3. (I.) for the better Regulation of Stockbrokers	31.	I.
STREETS (METROPOLIS); for the Amendment of "The Metropolitan Streets Act, 1867," (30 & 31 Vict. c. 134.)	5.	E.
SUITS, ADMIRALTY; to amend the Law relating to Proceedings instituted by the Admiralty, and for other Purposes connected therewith	78.	U.K.
SUPERIOR COURTS, SCOTLAND; to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of Scotland, and to make certain Changes in the other Courts thereof	100.	S.
——— *See also* COURTS OF LAW FEES.		
SUPPLY. *See* CONSOLIDATED FUND. EXCHEQUER BONDS.		
SUSPENSION OF THE HABEAS CORPUS; to further continue the Act 29 & 30 Vict. c. 1. to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government	7.	I.

T.

	Cap.	Relating to
TAXES. *See* REVENUE OFFICERS, &c.		
TELEGRAPHS; to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs - -	110.	G.B. & I.
THAMES EMBANKMENT AND METROPOLIS IMPROVEMENT; for extending the Provisions of "The Thames Embankment and Metropolis Improvement (Loans) Act, 1864," (27 & 28 Vict. c. 61.,) and for amending the Powers of the Metropolitan Board of Works in relation to Loans under that Act - - - - - - - -	43.	E.
TITHE COMMUTATION, &c. ACTS AMENDMENT; to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office - - - - - - - -	89.	E.
TITHES (DISTRICT CHURCH). *See* INCUMBENTS OF PARISHES, &c.		
TITLES TO LAND; to consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in Scotland, and to make certain Changes in the Law of Scotland relating to Heritable Rights - -	101.	S.
TOTNES, &c. WRITS; to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster -	6.	E.
TRAVERSES. *See* TRIAL OF TRAVERSES.		
TRIAL OF TRAVERSES, to amend the Railways (Ireland) Acts, 1851, 1860, and 1864, (14 & 15 Vict., c. 70., 23 & 24 Vict. c. 97., and 27 & 28 Vict. c. 71.,) as to - - -	70.	I.
TRUSTS, TURNPIKE. *See* TURNPIKE TRUSTS.		
TURNPIKE TRUSTS, &c.; to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts -	66.	E.
——— to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts -	99.	G.B.

U.

UNCLAIMED PRIZE MONEY; for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India - - - - - -	38.	U.K.
UNITED PARISHES; to amend the Act 7 & 8 Vict. c. 44., relating to the Formation of quoad sacra Parishes in Scotland, and to repeal the Act 29 & 30 Vict. c. 77. - - - -	30.	S.
UNIVERSITIES ELECTIONS; to amend the Law relating to the Use of Voting Papers in Elections for the Universities -	65.	E. & I.
UNLAWFUL FAIRS. *See* FAIRS.		

V.

VACCINATION; to amend the Act 26 & 27 Vict. c. 52., "to "further extend and make compulsory the Practice of "Vaccination in Ireland" - - - - -	87.	I.
VAGRANT ACT AMENDMENT; to amend the Act 5 Geo. 4. c. 83., for punishing idle and disorderly Persons, and Rogues and Vagabonds, so far as relates to the Use of Instruments of Gaming - - - - - - - -	52.	E.

	Cap.	Relating to
VALIDITY OF MARRIAGES. *See* LEGITIMACY DECLARATION. MARRIAGES.		
VOTERS IN DISFRANCHISED BOROUGHS; to make Provision in the case of Boroughs ceasing to return Members to serve in Parliament respecting Rights of Election which have been vested in Persons entitled to vote for such Members -	41.	E.
VOTING PAPERS, to amend the Law relating to the Use of, in Elections for the Universities - - -	65.	E. & I.

W.

WARRANTS, to amend the Law relating to the indorsing of, in Scotland, Ireland, and the Channel Islands - -	107.	G.B. & I.
WEST INDIES; to relieve the Consolidated Fund from the Charge of the Salaries of future Bishops, Archdeacons, Ministers, and other Persons in the West Indies - -	120.	U.K.
WINDING-UP IN BANKRUPTCY; to facilitate Liquidation in certain Cases of Bankruptcy Arrangement and Winding-up - - - - - - - -	68.	E.
WINE DUTIES; to further continue and appropriate the London Coal and Wine Duties - - - - -	17.	E.
WRITS, PARLIAMENTARY; to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster - - - - - -	6.	E.
WRITS REGISTRATION; to alter some Provisions in the existing Acts as to Registration of Writs in certain Registers in Scotland - - - - - -	34.	S.
——— to improve the System of Registration of Writs relating to Heritable Property in Scotland - - -	64.	S.

Y.

YARMOUTH, GREAT; to forbid the Issue of a Writ for Members to serve in Parliament for the Borough of Great Yarmouth	6.	E.

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ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

TRICESIMO PRIMO.

At the Parliament begun and holden at *Westminster,* the First Day of *February, Anno Domini* 1866, in the Twenty-ninth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland,* Queen, Defender of the Faith :

And from thence continued by several Prorogations to the Nineteenth Day of *November* 1867 ; being the THIRD SESSION of the NINETEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

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1867.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. I.

An Act to apply the Sum of Two million Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-eight.

[7th *December* 1867.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year ending 31st March 1868 the Sum of

1. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-eight, the Sum of Two million Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain*

2,000,000*l.* out of the Consolidated Fund.

Britain and *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being are hereby authorized and empowered to issue and apply the same accordingly.

Bank of England may advance 2,000,000*l.* on the Credit of this Act.

2. The Governor and Company of the Bank of *England* may make Advances to Her Majesty, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to an Amount not exceeding in the whole the Sum of Two million Pounds, and such Advances shall be made on the Application of the Commissioners of Her Majesty's Treasury, from Time to Time, in such Sums as may be required for the Public Service, and shall be placed to the Credit of the Account of Her Majesty's Exchequer at the Bank of *England*, and be available to satisfy the Orders for Credits granted or to be granted on the said Account, under the Provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any Services voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Interest on Advances.

3. The Advances made by the Bank of *England* from Time to Time under the Authority of this Act, shall bear Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem*, and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund at any Period not later than the next succeeding Quarter to that in which the said Advances shall have been made.

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Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, there shall be charged, collected, and paid, for and in respect of such Property, Profits, and Gains, either by Assessment or otherwise, the following additional Rates and Duties; that is to say, upon any Assessment made on the annual Value or Amount of any Property, Profits, or Gains charged or chargeable under the said Act of the Thirtieth Year of Her Majesty's Reign, Chapter Twenty-three, (except Property, Profits, and Gains chargeable under Schedule (B.),) the additional Rate or Duty of One Penny for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively; and for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.), the additional Rate or Duty of One Halfpenny in *England*, and of Three Eighths of a Penny in *Scotland* and *Ireland* respectively, for every Twenty Shillings of the annual Value thereof; and such additional Rates and Duties respectively shall be collected and paid with and over and above the Second Moiety of the Duties assessed or charged for the said Year.

Additional Rates of Duty to be charged on half-yearly and quarterly Assessments.

2. Provided always, That where any Dividends, Interest, or other Profits or Gains becoming due or payable half-yearly are assessed or charged half-yearly with the Rate or Duty under the said Act of the Thirtieth Year of Her Majesty's Reign, Chapter Twenty-three, there shall be charged upon the first Assessment or Charge which shall be hereafter made on such Dividends, Interest, Profits, and Gains the additional Rate or Duty of Twopence for every Twenty Shillings of the half-yearly Amount thereof; and where any Profits or Gains becoming due or payable quarterly are assessed or charged quarterly with the Rate or Duty under the said Act, there shall be charged upon the first Two quarterly Assessments or Charges respectively which shall be hereafter made on such last-mentioned Profits and Gains the additional Rate or Duty of Twopence for every Twenty Shillings of the quarterly Amount of such last-mentioned Profits and Gains; and the said additional Rates and Duties charged in such half-yearly and quarterly Assessments respectively shall be collected and paid with and over and above the Rates and Duties assessed or charged therein respectively under the said Act.

Relief to Persons whose Incomes are under 200*l.* a Year.

3. Provided always, That every Person who shall claim and prove in the Manner prescribed by the Acts now in force relating to the Income Tax that his total annual Income from every Source, although amounting to One hundred Pounds or upwards, is less than

than Two hundred Pounds a Year, shall be entitled to be relieved from so much of the said additional Rates and Duties assessed upon or paid by him under this Act as an Assessment or Charge of the said Rates and Duties upon Sixty Pounds of his Income would amount unto, and such Relief shall be given in the Manner directed by the said Acts.

Provisions of former Acts to be applied to this Act.

4. The additional Rates and Duties by this Act granted shall be charged, raised, levied, and collected under the Regulations and Provisions of the said Act of Parliament herein-before mentioned, and of the several Acts therein referred to, and also of any Act or Acts subsequently passed explaining, amending, or continuing the said first-mentioned Act; and all Powers, Authorities, Rules, Regulations, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Rates and Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution, *mutatis mutandis*, for charging, levying, collecting, receiving, accounting for, and securing the said Rates and Duties hereby granted, and otherwise relating thereto.

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Saving of Rights of Owners beyond the Jurisdiction of the Board established by this Act.

2. It is hereby declared, That as against any Person owning or interested in any Land or other Property situate beyond the Limits of the Jurisdiction of the Board established by the Act, nothing contained in the said Drainage and Improvement of Lands Act (*Ireland*), 1863, or in the said Provisional Order, or in this Act, shall be construed to render legal any Work executed or to be executed by such Board that would if said Acts had not been passed have been illegal by reason of its injuriously affecting such Land or Property, and any Damages adjudged to be paid by the said Board to any Person as aforesaid shall be deemed to be Part of the Costs incurred by such Board in defending legal Proceedings instituted against them, and shall be defrayed in manner in which the said Costs are authorized to be defrayed by "The Drainage and Improvement of Lands Act (*Ireland*), 1863."

Short Title.

3. This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Supplemental Act (*Ireland*), 1867."

SCHEDULE to which this Act refers.

Drainage and Improvement of Lands Act (*Ireland*), 1863, 26*th and* 27*th Vict. Cap.* 88, 27*th and* 28*th Vict. Cap.* 72, 28*th and* 29*th Vict. Cap.* 52.

In the Matter of ELPHIN DRAINAGE DISTRICT, County of Roscommon.

WHEREAS certain Proprietors of and Persons interested in the Lands adjacent to the Owenure River and its Tributaries on or about the 16th Day of September 1864 presented their Petition to the Commissioners of Public Works in Ireland, under the Provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts since passed amending the same, accompanied by the proper Schedules, Maps, Plans, Sections, and Estimates, together with other Particulars and Information required by said Acts, showing, by Reference to said Maps, the Boundaries and Area of the proposed Drainage District, and stating the Exigencies rendering the Formation of such Drainage District necessary, and praying that the said Lands within the proposed District should be constituted a separate Drainage District under the Provisions of said Act:

And

And whereas the said Commissioners referred the same to Samuel Ushen Roberts, Esquire, Civil Engineer, an Inspector duly appointed under the said Act:

And whereas all Notices and Inquiries required by the said Act have been duly given and made, and said Inspector has duly reported to us the said Commissioners in Writing the Result of his Inquiries, and we the said Commissioners have duly considered the same, and no Objections to the Report of the said Inspector have been made to us, and all Preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with:

And whereas the said Commissioners of Public Works in Ireland, upon Consideration of the Premises, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts in Value of the Lands in the proposed District are in favour thereof, and have, subsequently to the Date of the Report of the said Inspector, assented thereto in Writing:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Commissioners of Public Works in Ireland, do by this Provisional Order under our Common Seal constitute the Area in the said Petition and Report (and the Boundaries and Extent of which are set forth within Yellow Lines on certain Maps to which we have caused our Common Seal to be attached, and which Maps are deposited in the Office of Public Works in Ireland,) a separate Drainage District, by the Name of "The Elphin Drainage District," and we do declare that the Lands to be purchased for the proposed Works in such District (subject to such Alterations and Deviations therefrom as we the said Commissioners may hereafter sanction) are the Lands in that Behalf shown and set forth in the said Maps, and the Schedule thereto annexed marked with the Letter B., and also sealed with our Common Seal.

And we the said Commissioners of Public Works do by this our Order order and direct that the Time for Completion of the necessary Works in the said District shall be limited to the 1st Day of September 1870.

And we do further, by this our Provisional Order, make the following Regulations with respect to the Drainage Board:—

The Drainage Board for the said District shall consist of Eleven Members.

That the following Persons shall be the Members of the First Drainage Board; viz.—

The Right Honourable Lord Crofton of Moat Park, County of Roscommon.
John Irwin of Raheen, Esquire, County of Roscommon.
William Lloyd of Rockville, Esquire, County of Leitrim.
Henry Packenham Mahon of Strokestown House, Esquire, County of Roscommon.
Joseph A. Holmes of Roscommon, Esquire, County of Roscommon.
George Walpole of Castlenode, Esquire, County of Roscommon.
William Garnett of Roscommon, Esquire, County of Roscommon.
Christopher French of Cloonyguin, Esquire, County of Roscommon.
John Hague of Cloonahoe, Esquire, County of Roscommon.
Horatio N. Lawder of Aughamore, Esquire, County of Leitrim.
John Ross Mahon of Strokestown, Esquire, County of Roscommon.

That

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in the Dublin Gazette and some Newspaper generally circulated in the said District at least Fourteen Days next before the Day of Meeting.

That the Qualification of any subsequent Member of the said Board shall be that he shall be the Proprietor (as defined by the said Act and the Acts referred to therein or incorporated therewith) of not less than 20 Acres of Land situate within the Area of the said District, or the Land Agent for the Time being of a Person being a Proprietor as aforesaid of not less than 100 Acres of Land situate within the Area of said District, and acting as Receiver of the Rents and Profits of such Lands.

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following the Date of this Provisional Order.

That the Electors for Members of the Drainage Board shall be the Persons in that Behalf mentioned in the said Act: Provided always, that no such Elector shall be entitled to vote or exercise any Privilege as such unless the Land of which he is the Proprietor, or some Portion thereof, shall be rateable on account of the Works in the District, and he shall have previously paid all Rates or Arrears of Rates which may be payable by him in respect of any Drainage Rate of the aforesaid District.

In witness whereof, we the said Commissioners of Public Works in Ireland have hereunto caused our Common Seal to be affixed, this 5th Day of August 1867.

E. Hornsby, (L.S.)
Secretary.

Office of Public Works,
Dublin.

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VICTORIÆ REGINÆ.

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CAP. IV.

An Act to amend the Law relating to Sales of Reversions. [7th *December* 1867.]

WHEREAS it is expedient to amend the Law, as administered in Courts of Equity, with respect to Sales of Reversions:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Purchase, made bonâ fide, of Reversionary Interests to be set aside merely on the Ground of Undervalue.

1. No Purchase, made *bonâ fide* and without Fraud or unfair Dealing, of any Reversionary Interest in Real or Personal Estate shall hereafter be opened or set aside merely on the Ground of Undervalue.

Interpretation of "Purchase."

2. The Word "Purchase" in this Act shall include every Kind of Contract, Conveyance, or Assignment under or by which any beneficial Interest in any Kind of Property may be acquired.

3. This

Commencement of Act.

3. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-eight, and shall not apply to any Purchase concerning which any Suit shall be then depending.

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CAP. V.

An Act for the Amendment of "The Metropolitan Streets Act, 1867." [7th *December* 1867.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Amendment of Section 6. of 30 & 31 Vict. c. 134.

1. The Sixth Section of "The Metropolitan Streets Act, 1867," prohibiting the Deposit of Goods in the Streets, shall not apply to Costermongers, Street Hawkers, or itinerant Traders, so long as they carry on their Business in accordance with the Regulations from Time to Time made by the Commissioner of Police, with the Approval of the Secretary of State; and so much of the said Sixth Section as refers to the Surface of any Space that intervenes in any Street between the Footway and the Carriageway is hereby repealed.

Regulations as to Lamps to be subject to Approval of Secretary of State.

2. No Regulation shall be made in respect of the Carriage of Lamps by Hackney Carriages in pursuance of the Seventeenth Section of "The Metropolitan Streets Act, 1867," except with the Approval of One of Her Majesty's Principal Secretaries of State.

3. This

Metropolitan Streets Act (1867) *Amendment.*

Short Title.

3. This Act may be cited for all Purposes as "The Metropolitan Streets Act Amendment Act, 1867," and shall be construed as one with the said Metropolitan Streets Act, 1867.

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Prohibition of Registration of Voters.

2. After the passing of this Act, no Registration of Voters for Members of Parliament shall take place in any of the said Boroughs.

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'*Lieutenant or other Chief Governor or Governors of* Ireland *to* '*apprehend, and detain for a limited Time, such Persons as he or* '*they shall suspect of conspiring against Her Majesty's Person and* '*Government*,' the Powers and Provisions of the said first-recited Act were continued until the First Day of *March* One thousand eight hundred and sixty-eight, and it is expedient to continue the same for a further limited Period:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers, &c. of 29 & 30 Vict. c. 1. further continued.

1. The first-recited Act, and the several Powers and Provisions therein contained, shall continue in force until the Twenty-fifth Day of *March* One thousand eight hundred and sixty-nine, and the said Act shall be construed as if the Words "until the Twenty-"fifth Day of *March* One thousand eight hundred and sixty-nine" were throughout the said Act substituted for the Words "until the "First Day of *September* One thousand eight hundred and sixty-"six:" Provided always, that if Parliament shall not have sat for the Despatch of Business for Twenty-one Days during the said Year One thousand eight hundred and sixty-nine previously to the said Twenty-fifth Day of *March*, the said Act and the several Powers and Provisions therein contained shall continue in force until Parliament shall have sat for the Despatch of Business for Twenty-one Days after the said Twenty-fifth Day of *March*; and the said Act shall be construed as if the Words "until Parliament "shall have sat for the Despatch of Business for Twenty-one Days "after the Twenty-fifth Day of *March* One thousand eight hundred "and sixty-nine" were throughout the said Act substituted for the Words "until the First Day of *September* One thousand eight "hundred and sixty-six."

All Prisoners under this Act to be treated as untried Prisoners.

2. All Prisoners at present in Confinement under the Warrant of the Lord Lieutenant of *Ireland* by virtue of the Powers of the first-recited Act, or who shall be hereafter arrested and committed to Prison in pursuance of same or of this Act, shall while in such Confinement be treated as untried Prisoners.

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of London Museum.

not less than Three Fourths of the Number of such acting Trustees, may sell, and the Persons for the Time being acting as Trustees for the Establishment and Maintenance of the said Museum may purchase, all or any Part of the said Pieces of Land, with the Rights, Easements, and Appurtenances actually or by Reputation belonging thereto, at such Price and on such Terms as they agree on, with the Approbation of the Charity Commissioners for *England* and *Wales*.

Protection for Interests omitted by Mistake to be purchased.

2. On the Payment of the Purchase Money, and the Execution and Delivery to the Purchasers of an Assurance of the Lands sold, the Purchasers shall stand seised thereof, absolutely discharged (save as in such Assurance may be expressed) from all prior Trusts, Estates, and Claims therein or thereto; but the Provisions of The Lands Clauses Consolidation Act, 1845, with respect to Interests in Lands which have by Mistake been omitted to be purchased, shall apply and take effect as if the Lands had been acquired under the Provisions of that Act, or as near thereto as Circumstances admit; and those Provisions are hereby incorporated with this Act; and for the Purposes of this Act the Term "the Promoters of the Undertaking" used in those Provisions shall mean the Purchasers under this Act.

Power to transfer Lands, &c. to Department of Science and Art.

3. The Purchasers under this Act may hold the Lands purchased by them, subject and according to the Terms and Conditions on which they purchase the same, and to the Provisions of this Act, or may, on the Request of the Department of Science and Art, grant or dispose of the same to that Department, or as that Department directs, and the same when so granted or disposed of shall be held subject and according to the Terms and Conditions on which the same are purchased under this Act, and to the Provisions of this Act, and shall be used and applied accordingly, and not otherwise; and no Dwelling House shall be erected on any Part of the Land so purchased, except Apartments in connexion with the Museum itself, to be occupied by the Officers thereof.

Short Title.

4. This Act may be cited as The *London* Museum Site Act, 1868.

SCHE-

SCHEDULE.

Lands authorized to be purchased.

All those Two Pieces of Land situate in the Parish of Saint Matthew, Bethnal Green, in the County of Middlesex, and lying on the East Side of the Cambridge Road there, and comprising together the Land formerly known as The Green, as the same are delineated on the Plan drawn in the Margin of a Memorandum of Agreement dated the Twenty-second Day of November One thousand eight hundred and sixty-seven, and made or expressed to be made between William Howard, Esquire, Edward Eagles, Cordwainer, Richard Henry Ashford, Pawnbroker, Robert Brookes, Gentleman, Joseph Hamilton Cox, Gentleman, William Engleburtt, Silk Manufacturer, Nathaniel Hardingham, Gentleman, William Robert Frederick Lane, Surgeon, John Millar, Surgeon, William Mundy, Builder, James Smart, Surgeon, and George Samuel Webb, Gentleman, Inhabitants of the Parish of Saint Matthew, Bethnal Green, of the one Part, and the Reverend Septimus Cox Holmes Hansard, Rector of the same Parish, Antonio Brady of Stratford in the County of Essex, Esquire, and John Moxon Clabon of 21 Great George Street, Westminster, Esquire, of the other Part, and are thereon coloured Green, which said Pieces of Land are now in the several Occupations of Symonds and Gardiner.

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CAP. IX.

An Act to regulate the Disposal of extra Receipts of Public Departments. [30th *March* 1868.]

WHEREAS under the Provisions of certain Acts of Parliament, Orders in Council, or alleged ancient Usage, certain Fees or other casual Receipts have been or may be received by Persons holding Public Offices under the Crown, and are applied in aid or diminution of Charges borne upon the annual Votes of Parliament or upon the Consolidated Fund; and it is expedient that in many Cases such Fees or casual Receipts should cease to be so applied, and that the Purposes to which they are applicable should be otherwise provided for:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Fees or casual Receipts to be paid over to the Exchequer to Credit of Consolidated Fund.

1. Notwithstanding any Act of Parliament now in force, or Order in Council, or ancient Usage, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that any such Fees or other casual Receipts, or any Part of them, shall be paid over to Her Majesty's Exchequer, to the Credit of the Consolidated Fund, in such Manner as such Commissioners shall from Time to Time determine,

determine, instead of being applied to the Purposes aforesaid, in any Case where Provision shall have been made by Parliament or otherwise to meet the Charges to which any such Fees or casual Receipts would have been applicable if this Act had not passed.

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VICTORIÆ REGINÆ.

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CAP. X.

An Act to apply the Sum of Three hundred and sixty-two thousand three hundred and ninety-eight Pounds Nineteen Shillings and Ninepence out of the Consolidated Fund to the Service of the Years ending the Thirty-first Day of *March* One thousand eight hundred and sixty-seven and the Thirty-first Day of *March* One thousand eight hundred and sixty-eight. [30th *March* 1868.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Years ending 31st March 1867 and 31st March 1868 the Sum of 362,398*l.* 19*s.* 9*d.* out of the Consolidated Fund.

1. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Years ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven and the Thirty-first Day of *March* One thousand eight hundred and sixty-eight, the Sum of Three hundred and sixty-two thousand three hundred and ninety-eight Pounds Nineteen Shillings and Ninepence out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being are hereby authorized and empowered to issue and apply the same accordingly.

Bank of England may advance 362,398*l.* 19*s.* 9*d.* on the Credit of this Act.

2. The Governor and Company of the Bank of *England* may make Advances to Her Majesty, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to an Amount not exceeding in the whole the Sum of Three hundred and sixty-two thousand three hundred and ninety-eight Pounds Nineteen Shillings and Ninepence, and such Advances shall be made on the Application of the Commissioners of Her Majesty's Treasury, from Time to Time, in such Sums as may be required for the Public Service, and shall be placed to the Credit of the Account of Her Majesty's Exchequer at the Bank of *England*, and be available to satisfy the Orders for Credits granted or to be granted on the said Account, under the Provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any Services voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Interest on Advances.

3. The Advances made by the Bank of *England* from Time to Time under the Authority of this Act shall bear Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem*, and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund at any Period not later than the next succeeding Quarter to that in which the said Advances shall have been made.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

***

Court of Appeal, Chancery (Despatch of Business) Amendment.

This and recited Act to be as One.

2. This Act and the said recited Act shall be read together as One Act.

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CAP. XII.

An Act to facilitate the Alteration of Days upon which, and of Places at which, Fairs are now held in *Ireland*. [30th *March* 1868.]

WHEREAS it is expedient to make Provision to facilitate the Alteration of the Days upon which, and of the Places at which, Fairs are now held in *Ireland*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Fairs (*Ireland*) Act, 1868."

Interpretation of Terms: "Lord Lieutenant:"

"Owner."

2. In this Act—

The Term "Lord Lieutenant" means Lord Lieutenant of *Ireland* and the Lords Justices or other Chief Governors or Governor of *Ireland* for the Time being:

The Term "Owner" means any Person or Persons, or Body of Commissioners, or Body Corporate entitled to hold any Fair, whether in respect of the Ownership of any Lands or Tenements, or under any Charter, Letters Patent, or Act of Parliament, or otherwise howsoever.

3. In

Fairs (Ireland).

Power to Lord Lieutenant in Council to alter Days or Places for holding Fairs.

3. In case it shall appear to the Lord Lieutenant in Council, upon Representation duly made to him by the Owner of any Fair in *Ireland*, that it would be for the Convenience and Advantage of the Public that such Fair should be held on some Day or Days other than that or those on which such Fair is used to be held, or at some other suitable Place (not more than One Half Mile distant from the Town, Village, or other Place where such Fair is used to be held,) provided for that Purpose by the said Owner, it shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to order that such Fair shall be held on such other Day or Days as he shall think fit, or at such other Place as aforesaid: Provided always, that Notice of such Representation, and of the Time when it shall please the Lord Lieutenant to order the same to be taken into consideration by the Privy Council, shall be published once in the *Dublin Gazette*, and in Three successive Weeks in some One and the same Newspaper of the County, County of a City, or County of a Town in which such Fair is held, or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto, before such Representation is so considered.

When Order made, Fair to be held only on the Day or at the Place named in Order.

4. When and so soon as any such Order as aforesaid shall have been made by the Lord Lieutenant in Council, Notice of the making of the same shall be published in the *Dublin Gazette*, and in some One Newspaper of the County, County of a City, or County of a Town in which such Fair is usually held, or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto; and thereupon such Fair shall only be held on the Day or Days or at the Place mentioned in such Order; and it shall be lawful for the Owner of such Fair to take all such Toll or Tolls, and to do all such Act or Acts, and to enjoy all and the same Rights, Powers, and Privileges in respect thereof, and to enforce the same by all and the like Remedies, as if the same were held on the Day or Days upon which, or at the Place at which, it was used to be held previous to the making of such Order.

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31st March 1869 the Sum of 6,000,000*l.* out of the Consolidated Fund.

eight hundred and sixty-nine, the Sum of Six million Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being are hereby authorized and empowered to issue and apply the same accordingly.

Bank of England may advance 6,000,000*l.* on the Credit of this Act.

2. The Governor and Company of the Bank of *England* may make Advances to Her Majesty, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to an Amount not exceeding in the whole the Sum of Six million Pounds, and such Advances shall be made on the Application of the Commissioners of Her Majesty's Treasury, from Time to Time, in such Sums as may be required for the Public Service, and shall be placed to the Credit of the Account of Her Majesty's Exchequer at the Bank of *England*, and be available to satisfy the Orders for Credits granted or to be granted on the said Account, under the Provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any Services voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Interest on Advances.

3. The Advances made by the Bank of *England*, from Time to Time, under the Authority of this Act, shall bear Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem*, and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund at any Period not later than the next succeeding Quarter to that in which the said Advances shall have been made.

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Realm; yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

1. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Army, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary of State for the War Department to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad: Provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act: Provided also, that nothing in this Act contained shall in any Manner prejudice or affect any Articles of War or other Matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the Authority of the Government of *India*, respecting Officers or Soldiers or Followers in Her Majesty's *Indian* Army, being Natives of *India*; and on the Trial of all Offences committed by any such Native Officer or Soldier or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

Persons subject to this Act.

2. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Warrant Officers, and to all Persons employed on the Recruiting Service receiving Pay, and all Pensioners receiving Allowances in respect of such Service, and to Persons who are or shall be hired to be employed in the Royal Artillery, Royal Engineers, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military

Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff, or Soldiers in the Commissariat Staff Corps, and to Officers and Soldiers serving in the Military Store Department or in the Military Store Staff Corps, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Army at home or abroad, under the Command of any Commissioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five,) to any Out-pensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all Military Store Officers and other Civil Officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; and all the Provisions of this Act shall apply to all Persons belonging to Her Majesty's *Indian* Forces who are or shall be commissioned or in Pay as Officers, or who shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners, or Pioneers, or as Military Surveyors or Draftsmen, or in the Ordnance or Public Works or Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Veterinary Surgeons, Medical Storekeepers, Apothecaries, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all Licensed Suttlers, and all Followers in or of any of the said Forces; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Military Store Officer, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

Provisions of this Act to extend to Jersey, Guernsey, &c.

3. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by

by this Act declared to be punishable by the Sentence of a Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Colonial and Foreign Troops in Her Majesty's Pay to be subject to Provisions of this Act.

4. All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland* although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Provision as to the Militia or Yeomanry or Volunteer Corps or Reserve Forces.

5. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, or to the Reserve Force provided for by "The Reserve Force Act, 1867," or to the Reserve Force provided for by "The Militia Reserve Act, 1867," excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

Power to constitute Courts-martial.

6. For the Purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Troops belonging to Her Majesty's Army,

Army, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles* as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command: Provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial: Every Officer so authorized to convene Courts-martial may confirm the Sentence of any Court-martial convened by him according to the Terms of his Warrant.

Place where Offenders may be tried.

7. Any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Powers of General Courts-martial.

8. Every General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Nine Commissioned Officers, each of whom shall have held a Commission from Her Majesty for Three Years before the Date of the Assembly of the Court. Every General Court-martial shall have Power to sentence any Officer or Soldier to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service: No Sentence of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein; no Sentence of Penal Servitude shall be for a Period of less than Five Years; and no Sentence of Imprisonment shall be for a Period longer than Two Years.

Powers of District or Garrison Courts-martial.

9. Every District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that no such District or Garrison Court-martial shall have Power

to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of Regimental or Detachment Courts-martial.

10. A Regimental or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships, &c.

11. In Cases of Mutiny, and Insubordination accompanied with personal Violence, or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Powers of Detachment General Courts-martial.

12. It shall be lawful for any Officer commanding any Detachment or Portion of Troops serving in any Place beyond Seas where it may be found impracticable to assemble a General Court-martial, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any Country in which such Troops are so serving by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army of which such Detachment or Portion forms Part shall have approved and confirmed the same.

As to swearing and summoning of Witnesses.

13. All General and other Courts-martial shall administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending

as

as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof: It shall be lawful for the President of any Court-martial to administer an Oath to a Shorthand Writer to take down, according to the best of his Power, the Evidence to be given before the Court.

Oath to be administered to Shorthand Writer.

14. No Officer or Soldier who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

No Second Trial for the same Offence, but Revision may be allowed.

15. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in any Forces belonging to Her Majesty's Army, or Her Majesty's Royal Marines, or shall not use his utmost Endeavours to suppress the same, or shall conspire with any other Person to cause a Mutiny, or coming to the Knowledge

Crimes punishable with Death.

ledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy; or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall sleep on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or Penal Servitude, or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier attested for or in Pay in any Regiment or Corps who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment or Corps, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death may be commuted for Penal Servitude or otherPunishments.

16. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Commanding Officer having Authority to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be kept in Penal Servitude for any Term not less than Five Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty, or to the Officer commanding as aforesaid.

17. Any

Mutiny.

Embezzlement, &c. of Stores punishable by Penal Servitude, or by Fine, Imprisonment, &c.

17. Any Officer or Soldier of Her Majesty's Army, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Army or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Five Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies, or in *India*, where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences of Penal Servitude in the United Kingdom.

18. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Army in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Army in *Great Britain* and *Ireland*, then by the Secretary of State for the War Department, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude of such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force

touching the Penal Servitude of other Offenders; and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland* to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England;* and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England,* and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England;* and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Penal Servitude in the Colonies, India, or elsewhere out of Her Majesty's Dominions.

19. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall

shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, if in *India* to the Chief Judge or any Judge of the Chief Civil Court of the Presidency or Province in which the Court-martial shall have been held, and if in any other Part of Her Majesty's Dominions to the Chief Justice or some other Judge therein, and such Judge shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in *India*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall according to such Directions undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively: And elsewhere out of Her Majesty's Dominions, the Officer commanding shall have Power to make an Order in Writing for the Penal Servitude or intermediate Custody of such Offender; and such Offender shall be liable by virtue of such Order to be imprisoned, and kept to Hard Labour, and otherwise dealt with under the Sentence of the Court, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Place where he may be ordered to be kept in such intermediate Custody, or in the Place to which he may be removed for the Purpose of undergoing his Sentence of Penal Servitude. If any Prisoner shall be brought to any Place in the United Kingdom there to undergo any Sentence of Penal Servitude which has been passed upon him by a Court-martial held elsewhere, and the Judge's or Officer's Order herein-before prescribed for his

his Penal Servitude and intermediate Custody shall not be forthcoming, and the Judge Advocate General, upon Application for that Purpose, shall certify that it appears from the original Proceedings of the Court-martial whereby the Prisoner was tried that he has been duly sentenced to Penal Servitude, and that for anything that appears to the contrary thereon such Sentence is still in force against the said Prisoner for the Period to be stated in such Certificate, then it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Consideration of such Certificate, to direct, in Writing under his Hand, that the said Prisoner shall be at once removed to a Convict Prison, and be imprisoned and kept to Hard Labour according to the Sentence stated in such Certificate, and thereupon the Prisoner shall be removed to such Convict Prison, and shall be liable to be imprisoned and kept to Hard Labour, and be otherwise dealt with during the Term of his Sentence, as if he had been sentenced to a like Term of Penal Servitude by a competent Court in the United Kingdom.

A Sentence of Penal Servitude may be commuted for Imprisonment, &c.

20. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for such Term not exceeding Two Years as shall seem meet to Her Majesty, or to the Officers commanding as aforesaid.

Of Forfeitures, when combined with Penal Servitude.

21. Where an Award of any Forfeiture, or of Deprivation of Pay or of Stoppages of Pay, shall have been added to any Sentence of Penal Servitude, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Courts-martial may not sentence to Corporal Punishment in Time of Peace.

22. No Court-martial shall, for any Offence whatever committed under this Act during the Time of Peace within the Queen's Dominions, have Power to sentence any Soldier to Corporal Punishment; provided, that any Court-martial may sentence any Soldier to Corporal Punishment while on active Service in the Field, or on board any Ship not in Commission, for Mutiny,

Mutiny.

Mutiny, Insubordination, Desertion, Drunkenness on Duty or on the Line of March, disgraceful Conduct, or any Breach of the Articles of War; and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

23. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed by the Articles of War.

Power to commute Corporal Punishment for Imprisonment, &c.

24. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute a Sentence of Cashiering.

25. It shall be lawful for Her Majesty in all Cases whatsoever, instead of causing a Sentence of Cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Marking Deserters, or Soldiers discharged with Ignominy.

26. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked Two Inches below and One Inch in rear of the Nipple of the Left Breast with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be clearly seen, and not liable to be obliterated; a Court-martial may, upon sentencing any Offender to be discharged with Ignominy, also sentence him to be marked on the Right Breast with the Letters B C; and the confirming Officer may order such Sentence, both in respect of the Discharge and of the Marking, to be carried into effect.

Mutiny.

Power of Imprisonment by different Kinds of Courts-martial.

27. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, but such Solitary Confinement shall not exceed the Periods prescribed by the Articles of War; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and with or without Solitary Confinement not exceeding the Periods prescribed by the Articles of War.

As to Imprisonment of Offenders already under Sentence.

28. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, the Court may award a Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial, to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

Regulations as to Military Prisons.

29. It shall be lawful for the Secretary of State for the War Department, and in *India* for the Governor General in Council, to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary of State for the War Department, and in *India* by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in *India* for the Governor General in Council, from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of the Offenders confined therein, which said Rules and Regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in *India* by the Governor General in Council; and it shall be lawful for the said Secretary

Secretary of State, and in *India*, for the Governor General in Council, from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the said Secretary of State, and in *India* the Governor General in Council, may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the said Secretary of State, and in *India* the Governor General in Council, may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the said Secretary of State, and in *India*, the Governor General in Council, shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time be made by the said Secretary of State, or in *India* by the Governor General in Council, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

As to the Custody of Military Offenders under Sentence of Court-martial and in other Cases.

30. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Offence of which he shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the

the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to other Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

As to the Removal or Discharge of Prisoners in certain Cases.

31. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of the United Kingdom, it shall be lawful for the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the District or Garrison in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any public Prison other than such Military Prison as aforesaid, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the General commanding in chief or the Adjutant General of Her Majesty's Forces in the Case of any such Prisoner, and for the Commander-in-Chief in *India* in the Case of any Prisoner so confined in any Part of Her Majesty's *Indian* Dominions, and for the General commanding in chief in any Presidency in *India* in the Case of a Prisoner so therein confined, and for the Officer commanding in chief or the Officer who confirmed the Proceedings of the Court at any Foreign Station in the Case of a Prisoner so there confined, to give as often as Occasion may arise an Order in Writing directing that the Prisoner be discharged or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of any Prisoner who shall

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be removed by any such Order from any such Prison, Gaol, or House of Correction either within the United Kingdom or elsewhere to some other Prison or Place either in the United Kingdom or elsewhere, the Officer who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler, or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to other Custody before the Expiration of that Time under an Order duly made for that Purpose; and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, the Secretary of State for the War Department, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military Custody as may be lawfully exercised by any of the Military Authorities above mentioned in respect of any Prisoners undergoing Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence for whatever Purpose such Detention shall take place; and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Provision for Subsistence of Soldiers when imprisoned in Common Gaols.

32. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, in *Great Britain* and *Ireland* One Shilling *per Diem*, and in other Parts of Her Majesty's

Dominions Sixpence *per Diem*, which the Secretary of State for the War Department shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of One Shilling or of Sixpence *per Diem*, as the Case may be, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed. In *India* the Expenses incurred under the Provisions of this Section shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by the Laws or Regulations to be made in that Behalf.

Expiration of Imprisonment of Soldiers in Common Gaols.

33. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall forthwith, or as soon as may be, give, if in *Great Britain* to the Secretary of State for the War Department, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, or if in *India* to the Adjutant General of the Army, or to the nearest Military Authority with whom it may be convenient to communicate, Notice of the Day and Hour on which the Imprisonment of such Person will expire; and every such Gaoler or Keeper is hereby required to use his best Endeavours to ascertain and report in all Cases where practicable the particular Regiment or Corps, Battalion of a Regiment or Battery of Artillery, to which such Soldier belongs, and also whether he belongs to the Depôt or the Head Quarters of his Regiment; and in the event of his being a Recruit who has not joined, that it may be so stated in his Report, together with the Name of the Place where the Man enlisted. In all Cases where the Soldier in Custody is under Sentence to be discharged from the Service on the Completion of his Term of Imprisonment, and the Discharge Document is in the Hands of the Gaoler, such Gaoler shall not be required to make any Report thereof to the Secretary of State for War, or to the Military Authorities hereinbefore referred to.

Apprehension of Deserters in the United Kingdom.

34. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such

such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry and to remand the said suspected Person in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained; and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of State for the War Department, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps, in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary of State, and proceeded against according to Law; and such Justice shall also send to the said Secretary of State a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the said Secretary of State shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the said Secretary of State shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more;

more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of State for the War Department, and transmit also to the said Secretary of State a Copy of the Commitment, to the end that such Secretary of State may order Repayment of such Fees; and when any such Person shall be apprehended and committed as a Deserter in any Part of Her Majesty's Foreign Dominions the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in such Part, or, if the Regiment or Corps be in such Part, the Justice may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law; and such Descriptive Return purporting to be duly made and subscribed in accordance with the Act shall, in the Absence of Proof to the contrary, be deemed sufficient Evidence of the Facts and Matters therein stated: Provided always, that any such Person so committed as a Deserter in any Part of Her Majesty's Dominions shall, subject to the Provisions herein-after contained, be liable to be transferred by Order of the General or other Officer commanding to serve in any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it desirable that he should be transferred, and shall also be liable after such Transfer of Service to be tried and punished as a Deserter.

In Her Majesty's Foreign Dominions.

Transfer of Deserters.

As to the temporary Custody of Deserters in Gaols.

35. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary of State for the War Department, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled

entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits prior to joining their Regiments or Corps.

36. Any Recruit for Her Majesty's Army who, having been attested or received Pay other than Enlisting Money, shall desert before joining the Regiment or Corps for which he has enlisted, shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, forfeit his personal Bounty, and be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty.

Fraudulent Confession of Desertion.

37. Any Person who shall confess himself to be a Deserter from Her Majesty's Forces, or from the Embodied Militia, shall be liable to be taken before any Two Justices of the Peace acting for the County, District, City, Burgh, or Place where any such Person shall at any Time happen to be when he shall be brought before them, and on Proof that any such Confession as aforesaid was false shall by the said Justices be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if elsewhere by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months; and if, when such Person shall be brought before the said Justices, it shall be proved to their Satisfaction that such Confession has been made, but Evidence of the Truth or Falsehood of such Confession shall not at that Time be forthcoming, such Justices within the United Kingdom are hereby required to remand such Person in the Manner herein-before mentioned, and to transmit a Statement of the Case and Descriptive Return to the Secretary of State for the War Department, with a Request to be informed whether such Person appears to belong or to have belonged to the Regiment or Corps from which he shall have so confessed himself to have deserted; and a Letter from the War Office in reply thereto, referring to such Statement, and purporting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in Evidence against such Person, and shall be deemed to be legal Evidence of the Facts stated therein, and on the Receipt thereof the said Justices shall forthwith proceed to adjudicate upon the Case. In *India* the Authority herein given to Two Justices may be exercised by One *European* Justice or Magistrate.

38. When

Mutiny.

Furlough in case of Sickness.

38. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

39. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again convicted for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Ma-

40. Any Person attested for Her Majesty's Army, or serving on the permanent Staff of the Disembodied Militia or Volunteers other than as a Commissioned Officer, shall be liable to be taken

taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of absenting himself from his Service, or neglecting to fulfil his Contract, or otherwise misconducting himself respecting the same, or the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, or misconducting himself respecting the same, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to

jesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Officers not to be Sheriffs or Mayors, &c.

41. No Person who shall be commissioned and in full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Questions to be put to Recruits on enlisting.

42. Every Person authorized to enlist Recruits shall first ask the Person offering to enlist whether he belongs to the Militia, and also such other Questions as the Military Authorities may direct to be put to Recruits, and shall immediately after giving him Enlisting Money serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

Recruits, when deemed to be enlisted.

43. Every Person who shall receive Enlisting Money in manner aforesaid, knowing it to be such, shall, subject to the Provisions herein-after contained, upon such Receipt be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

When Recruits to be taken before a Justice.

44. Every Person so enlisted as aforesaid shall, within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included) but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Army, for the Purpose of being attested as a Soldier, or of objecting to his Enlistment.

Dissent and Relief from Enlistment.

45. When a Recruit upon appearing before a Justice for the Purposes aforesaid shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall

shall report such Discharge to the Inspecting Field Officer of the District, or in the Case of a Recruit enlisted at the Head Quarters or Depôt of a Regiment to the Officer commanding the same; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money, and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he will be entitled to be discharged, and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of State for the War Department and to the Inspecting Field Officer of the District, shall be paid over to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Enlistment for particular Branch or Arm of or for General Service.

46. Any Person may be enlisted for some particular Arm or Branch of Service, and if he shall enlist for Cavalry or Infantry he shall be at liberty to declare and state the particular Regiment of Cavalry or Infantry into which he desires to enlist, and he shall be attested for the same, and be sent thereto with all convenient Speed; but if no such Statement or Declaration be made by such Person at the Time of his Attestation as aforesaid, then he shall be attested for General Service, and it shall be lawful for the Military Authorities at any Time within Twelve Months after his Attestation to attach him to such Arm or Branch of Service, or to such Regiment of Cavalry or Infantry, excluding Colonial Corps, as to them shall seem to be most fitting and convenient for Her Majesty's Service: Provided always, that after the Recruit shall have been attached to any Regiment he shall not be removed or transferred therefrom, save and except under the Provisions of the Mutiny Act for the Time being in force.

Attesting of Recruits.

If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and state that he is unable to pay the Sums mentioned in the last Section, he shall be attested as follows: the Justice, or some Person deputed by him, shall read to the Recruit the Questions set forth in the Form contained in the Schedule to this Act annexed, cautioning him that if he fraudulently make any false Answer thereto he shall be liable to be punished as a Rogue and a Vagabond; and the Answers of the Recruits shall be recorded opposite to the said Questions, and the Justice shall require the Recruit to make and sign the Declaration in the said Form, and shall then administer to him the Oath of Allegiance in the said Form; and when the Recruit

shall have signed the said Declaration, and taken the said Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested; and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits, until they have been attested or received Pay, not triable by Court-martial, but in certain Cases punishable as Rogues and Vagabonds.

47. No Recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial; but if any Recruit previously to his being attested shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices within the United Kingdom, or for any One Justice out of the United Kingdom, acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be, to adjudge such Recruit, when he shall be brought before them or him, if in *England*, to be a Rogue and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland*, or elsewhere in Her Majesty's Dominions, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months; and the Declaration made by the Recruit on his Attestation purporting to be made and subscribed in accordance with the Schedule to this Act annexed shall, in the Absence of Proof to the contrary, be deemed sufficient Evidence of such Recruit having represented the several Particulars as stated in such Declaration.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

48. Any Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable, at the Discretion of the proper Military Authorities, to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Recruits absconding.

49. If any Recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit

Recruit ought regularly to have been brought for that Purpose a Certificate of the Name and Place of Residence and Description of such Recruit, and of his having absconded, and shall declare the same to be true; and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the *Police Gazette*.

As to Militiamen enlisting into Regular Forces.

50. If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Army, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for the War Department to give such general Directions as may from Time to Time appear to him necessary for placing any Man who confesses himself to be a Militiaman under Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, in lieu of his being tried by Court-martial, and further to give general Directions as to the Manner in which such Stoppage shall be applied, and whether, on making good the same, the Man shall be returned to his Militia Regiment or be deemed to be a Soldier in the same Manner as if he had not been a Militiaman at the Time of his Attestation: Provided that if the Regiment of Militia from which the Man has deserted be within the United Kingdom, the Secretary of State for the War Department shall not make such latter Order without the Consent of the Commanding Officer of such Regiment: Provided also, that every Soldier who while belonging to a Militia Regiment enlisted in Her Majesty's Army, whether such Enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon Service towards the Performance of his limited Engagement from the Date of his Attestation: Provided also, that any such Soldier shall not reckon Service for Pension until the Day on which his Engagement for the Militia would have expired; but if any such Soldier shall subsequently to his Enlistment have rendered long, faithful, or gallant Service, the Secretary of State for War may, upon the special Recommendation of the Commander-in-Chief, order that he may reckon Service for Pension from the Date of his Attestation. If any Non-commissioned Officer of the Volunteer Permanent Staff enlists in Her Majesty's Army he may be tried and punished as a Deserter, but if he confesses his Desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a Deserter, may cause him to be returned to his Service on the Volunteer Permanent Staff, to be there put under Stoppages from his Pay until he has repaid the Amount of any Bounty received by him and the Expenses attending his Enlistment, and also the Value of any Arms, &c. issued to him while on the Volunteer Permanent Staff,

Staff, and not duly delivered up by him; or may cause him to be held to his Service in Her Majesty's Army, with a Direction, if it seems fit, that his Time of Service therein shall not be reckoned for Pension until the Time when his Engagement on the Volunteer Permanent Staff would have expired; and may further cause him to be put under Stoppages of One Penny a Day of his Pay until he has repaid the Expense attending his Engagement or Attestation on the Volunteer Permanent Staff, and also the Value of any Arms, Clothing, or Appointments issued to him while on the Volunteer Permanent Staff, and not duly delivered up by him.

Punishment of Persons offending against Laws relating to Enlistment.

51. Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Army shall be liable to be tried for such Offence before a General, District, or Garrison Court-martial, and to be sentenced to such Punishments other than Death or Penal Servitude as such Courts may award.

Enlistment and Re-enlistment, and Transfer to another Corps abroad.

52. It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, and in any Colony for any other Person duly authorized in that Behalf by the Governor or Officer administering the Government of such Colony, and in Her Majesty's Dominions in *India* for any Person duly authorized in that Behalf by the Governor General or Lieutenant Governor or other Officer administering the Government of any Presidency, Division, or Province, and within the Territories of any Foreign State in *India* for the Person performing the Duties of the Office of *British* Resident therein, and for any other Person duly authorized in that Behalf by the Governor General, to enlist and attest or to re-engage within the local Limits of their several Authorities any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Army; and it shall be lawful, notwithstanding anything contained in the Statute Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred, for any Person so authorized in Her Majesty's Dominions in *India*, or within the Territories of any Foreign State in *India*, to enlist and attest within the local Limits of his Authority any Persons desirous of enlisting in Her Majesty's *Indian* Forces. Any such Magistrate or Person as aforesaid shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; but no such Magistrate or other Person authorized to enlist and attest as above mentioned shall be a General Officer or hold any Regimental Commission; and all such Appointments, past and future, and everything done or to be done under them,

them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so attested shall be deemed to be an attested Soldier.

Soldiers willing may be transferred to succeeding Corps.

53. When any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier.

Soldiers may be transferred from one Service to another.

54. It shall be lawful for the Commander-in-Chief, or for any Officer authorized by him in that Behalf, to direct that any Soldier attested for any one Branch of the Service shall, on the Application of his Commanding Officer, and with his own Consent, be transferred to some other Branch of the Service or to some other Regiment or Corps in the same Branch of the Service, either within the United Kingdom or elsewhere; and every Soldier so transferred shall be deemed to be discharged from his former Corps, and shall have a Certificate of Transfer delivered to him; but any Soldier attested for the Infantry or Commissariat Staff Corps or Military Store Staff Corps, and at his own Request transferred to the Cavalry, Artillery, or Engineers, shall be bound to serve for the full Term of such Service as if originally enlisted therein, and any Soldier at his own Request transferred from either of such before-mentioned Services to the Infantry or Commissariat Staff Corps or Military Store Staff Corps shall be liable to serve for the Term of his original Enlistment: Provided always, that any Soldier who may have volunteered for the Corps of Armourer Sergeants, or for the Army Hospital Corps, or Military Store Staff Corps, shall be liable, by Order of the Military Authorities above mentioned, to be re-transferred to his former Corps, or to any other Corps on the Station on which he is serving at the Time, for Misconduct, Unfitness, or any other reasonable Cause: Provided also, that any Staff Clerk or other Non-commissioned Officer or Soldier on the Staff of the Army may be transferred to any Corps serving at the Station at the Time of his Removal from Staff Employ: Provided also, that upon the Conviction by Court-martial of any Soldier of the Crime of Desertion, the Officer commanding in chief Her Majesty's Forces may, and if the Court-martial has been held at a Foreign Station the Officer commanding in chief Her Majesty's Forces at such Foreign Station may, order such Soldier to serve in any Regiment or Corps.

55. Any

Re-engagement of Soldiers for a further Term.

55. Any Person who now has or may hereafter have completed at least Two Thirds of the First Term of his Enlistment may at any Time thereafter, with the Approbation of his Commanding Officer, or other competent Military Authority, be re-engaged for such a Period as shall complete a total Period of Twenty-one Years in Her Majesty's Service; and any Person who has been a Soldier, and who has received his Discharge, may also be so re-engaged upon making a Declaration, in the Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or if not in *Great Britain* or *Ireland* before any Person duly appointed to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Service: Provided always, that in reckoning Service under the original Enlistment or Re-engagement of a Soldier the Boon Service granted by the General Order of the Governor General of *India*, dated Twelfth of *October* One thousand eight hundred and fifty-nine, shall be reckoned as actual Service, and allowed towards Pension and Discharge: Provided also, that every Soldier now serving who belonged to the Garrison which defended *Lucknow*, or to the Garrison which defended the *Alumbagh*, before the Advance of any Portion of the Forces under the late Lord *Clyde* in One thousand eight hundred and fifty-seven, shall be allowed to reckon One Year's Service towards the Performance of his limited Engagement, and also towards Pension on Discharge: Provided also, that every Soldier who volunteered into Her Majesty's Army from any embodied Regiment of Militia between the Thirty-first of *December* One thousand eight hundred and fifty-five and the Twenty-first of *March* One thousand eight hundred and sixty-one inclusive, or from the disembodied Militia during the last Week of the training of his Regiment in the Year One thousand eight hundred and fifty-eight, and who had rendered previous to volunteering Six Months embodied or disembodied Militia Service, shall be allowed to reckon towards Good-conduct Pay and Pension, and towards the Completion of his limited Engagement of Service in Her Majesty's Army, Half the embodied Service which he had rendered in the Militia after attaining the Age of Eighteen.

Boon Service to be reckoned.

Enlistment of Negroes.

56. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects; and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled

to

to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

57. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Army, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in Her Majesty's Army according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Army; and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's Army, or shall be serving in the embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in Scotland shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any

Claims of Masters to Apprentices.

any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment of Apprentices enlisting.

58. No Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party, except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Removal of Doubts as to Attestation of Soldiers.

59. No Person who shall, for Six Months either before or after the passing of this Act, have received Pay and been borne on the Strength and Pay List of any Regiment or Corps, or Depôt or Battalion

Battalion of a Regiment or Corps (of which the last Quarterly Pay List, if produced, shall be Evidence), shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation or Re-engagement, or on any other Ground whatsoever, but, on the contrary, every such Person shall be deemed to have been duly enlisted, attested, or re-engaged, as the Case may be.

Authorized Deductions only to be made from the Pay of the Army.

60. No Secretary of State for the War Department, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and sixty-eight, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be authorized or required by Her Majesty's Regulations or Articles of War, or by Statute Twenty-six and Twenty-seven *Victoria*, Chapter Sixty-five, Section Eight (Volunteer Act), or by Her Majesty's Order signified by the Secretary of State for the War Department; and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service.

Suspending Operation of certain Acts herein recited.

61. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act* 6 Anne, c. 14. s. 8. (I.)

to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have, receive, or be allowed any Quarters in any Part of *Ireland*, save only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from one Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

Certain Requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

62. And whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted, together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer: And whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment: It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in Ireland, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the

the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

63. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be made out for the less distant Houses, in which suitable Accommodation can be found, before making out Billets for the more distant; and in all Places where Cavalry shall be billeted in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity; and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March, in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like Manner in every respect as if such Houses were all locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out

of

of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Corps, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables, and who are by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign,

if

if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted.

Billeting the Guards in and near Westminster.

64. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

65. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

66. The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's

Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain* and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain* or *Ireland* for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Regiment, Detachment, or Party shall, every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary of State for the War Department is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses, every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby

hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

Interpretation of Act.

67. All Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary: Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Powers and Regulations as to Billets.

Exemptions from Billets.

Supply of Carriages.

68. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being

being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof, certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which List shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

69. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel,

travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny per Mile; and in *Great Britain* such further Rates may be added, not exceeding a total Addition per Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of State for the War Department within Three Days after the making thereof; and also in *Great Britain* when the Day's March shall exceed Fifteen Miles the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more

Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin* who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

As to Supply of Carriages in Cases of Emergency, &c.

70. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary of State for the War Department, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take

take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

71. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Routes in Ireland.

72. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

73. All Her Majesty's Officers and Soldiers, on Duty or on their March, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions

Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order, or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

74. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

75. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

76. Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanors and Offences herein-before mentioned; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such

such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, or in any Court of Record in *India*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland* or in Her Majesty's Service; and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge-Advocate General in *London*.

Penalty for Disobedience by Agents.

77. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

78. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Army, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price.

79. Every

Mutiny.

Penalty for procuring false Musters.

79. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds; and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. Every Person (except such Person or Persons as shall be authorized by Beating Order under the Hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or Her Majesty's *Indian* Forces, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Secretary of State in Council of India, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

81. Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof before any Two Justices acting for the County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justices shall think fit.

Penalty for forcible Entry in

82. Any Officer or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse,

house, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds. pursuit of Deserters without Warrant.

83. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Fifty Lashes, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

to his original Sentence, or to be subjected to Corporal Punishment not exceeding Twenty-five Lashes; or if such Soldier shall, within Forty-eight Hours of the Expiration of his original or of any additional Sentence, be guilty of any Offence against the Rules of the Prison, he may for every such Offence, on Conviction thereof by a Board or by a single Visitor, be ordered to be kept in Prison for a Period not exceeding Seventy-two Hours in either a dark or light Cell, and with or without Hard Labour or Solitary Confinement, on a Bread and Water Diet, or otherwise; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain* shall be deemed to apply to all Military Prisons so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

84. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

85. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person acting for or on his Behalf, on any Pretence whatsoever, or who shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping

Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term, not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Foreign Dominions, on the Recommendation of the Officer or Officers for the Time being administering the Government thereof, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person or Persons administering the Government of any such Foreign Dominions as aforesaid, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by

Law vested in Her Majesty or in any such Officer or Officers as aforesaid in respect of any other Law made or enacted by any such Legislature.

Penalties on Civil Subjects offending against the Laws relating to Billets.

86. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw, in *Great Britain* and *Ireland* for each Horse, in such Quantities and at such Rates as herein-before provided; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, on Duty or on their March, for themselves or for their Horses, or from any

On Toll Collectors demanding Toll from

any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Officers, Soldiers, or for Carriages;

and on Persons personating Soldiers, &c.

87. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate of such Conviction shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, from any Person, any Money or Reward for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein,

Penalties on the Military offending against the Laws relating to Billets.

therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game without Leave.

88. For the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

89. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give all special Matter in Evidence to the Jury; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster*, or in *Dublin*, or in *India*, or in the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

90. All Offences for which any Penalties and Forfeitures are by this Act imposed not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign

Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles* or in any of Her Majesty's Dominions beyond the Seas may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster*, or in *Dublin*, or in *India*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

91. One Moiety of every Penalty, not including any Treble Value of any Articles, adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid, in the United Kingdom, to the General Agent for the Recruiting Service in *London*, and in *India* to the Military Secretary of the Government of the Presidency to which the Court by whom the Penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's Dominions to the Local Military Accountant, to be at the Disposal of the Secretary of State for the War Department, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding. Every Justice or Court adjudging any Penalty under this Act shall report the same immediately, if in the United Kingdom, to the said Secretary of State, if in *India* to the said Military Secretary, and if elsewhere in Her Majesty's Dominions to the General or other Officer commanding at the Station.

Mode of recording a Soldier's Settlement.

92. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in Her Majesty's Army, or on the Permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Licences of Canteens.

93. When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

94. All Muster Rolls and Accounts and Pay and Pension Lists which are required to be verified by Declaration shall be so verified and

and attested free of Stamp Duty and without Fee or Reward paid for such Declaration or Attestation.

Commissaries, &c. to attest their Accounts.

95. All Commissaries, Regimental Paymasters, and all other Accountants for Military Services, Storekeepers, and Barrack Masters, upon making up their Accounts, and all Commissaries and Storekeepers upon returning from any Foreign Service, shall severally make the respective Declarations described in the Schedule to this Act annexed; which Declarations, if made in any Part of the United Kingdom, shall be made before some Justice, or other Person authorized to administer Oaths and Declarations, and if made on Foreign Service shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

96. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or other Person having Authority to administer Oaths and Declarations; and any Person taking a false Oath or Declaration where an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof by a General, District, or Garrison Court-martial shall be punished at the Discretion of such Court. In *India*, in all Cases where any Oath is hereby required to be taken, or any Person is hereby required to be sworn, a solemn Declaration or Affirmation may be substituted, if by the Laws for the Time being in force in *India* such Declaration or Affirmation would be allowed to be substituted in the Place of an Oath, in case the Party were about to depose as a Witness in a Civil Action in any of the Supreme Courts at the Presidencies; and any Person wilfully and knowingly giving false Testimony on Oath or solemn Declaration or Affirmation in any Case wherein such Oath or solemn Declaration or Affirmation shall have been made for the Purpose of this Act, or any Proceedings under this Act, shall be deemed guilty of wilful and corrupt Perjury, and, being duly convicted thereof before a Court-martial or otherwise, shall be liable to such Pains and Penalties as by any Law in force in *England*, or by any Law

Law in force in *India*, any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Offences against former Mutiny Acts and Articles of War.

97. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any such former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Officers and Soldiers to conform to 26 & 27 Vict. c. 57., &c.

98. It shall be the Duty of all Officers and Soldiers to observe and conform to the Provisions contained in "The Regimental Debts Act, 1863," and in the Regulations for the better Execution of the Purposes of the said Act prescribed from Time to Time by Warrant under the Royal Sign Manual.

Where Troops are serving beyond the Jurisdiction of the Courts of Requests, &c., Actions of Debt not exceeding 400 Rupees to be cognizable by a Military Court.

99. In all Places in *India* where any Body of Her Majesty's Forces may be serving situate beyond the Jurisdiction of any Courts of Requests, or other Courts for enforcing small Demands, established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all Personal Actions against Officers or against Persons licensed to act as Sutlers, or other Persons amenable to the Provisions of this Act not being Soldiers, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Camp, Garrison, Cantonment, or Military Post is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no Instance of less than Three, and

Composition and Constitution of the

and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain, and every Member shall have served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

Court prescribed.

President, &c. of Court to take the following Oath.

'I swear, That I will duly administer Justice 'according to the Evidence in the Matters that shall be brought 'before me. So help me GOD.'

And all Witnesses before any such Court shall be examined in the same Manner as in the Case of a Trial by Court-martial; and it shall be competent for such Court, upon finding or awarding any Debt or Damage, either to award Execution thereof generally, or to direct specially that the whole or any Part thereof shall be stopped and paid over to the Plaintiff out of any Part not exceeding One Half of any Pay or Allowance, or out of any other Public Money which may respectively be coming to the Defendant in the current or any future Month or Months, or to direct the same to be so paid by Instalments; and in all Cases where the Execution shall be awarded generally the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Defendant's Goods and Property as may be found within the Camp, Garrison, Cantonment, or Military Post, under a written Order of the Commanding Officer, grounded on the Judgment of the Court; and all Orders of such Commanding Officer as to the Manner of such Sale, or the Person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any Goods and Property of the Defendant found within the Limits of the Camp, Garrison, Cantonment, or Military Post to which the Defendant shall belong at any subsequent Time shall be liable to be seized and sold in like Manner in satisfaction of any Remainder of such Debt or Damages; and if any Question shall arise whether any such Effects or Property are liable to be taken in Execution as aforesaid, the Decision and Order of the said Commanding Officer shall be final and conclusive with respect to the same, and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, Cantonment, or Military Post, then any Public Money or any Part not exceeding One Half of the Pay or Allowances accruing to the Defendant shall be stopped in liquidation of such Debt or Damages; and if such Defendant shall not receive Pay as an Officer or from any Public Department, but be a Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military

Powers of such Court defined.

Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid; and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid; and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay or Allowances, or out of any Public Money, the same shall be stopped and paid accordingly in conformity with such Direction: Provided always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

Provisions relating to Courts-martial on Officers and Soldiers of Her Majesty's Indian Forces.

100. The Government of any of the Presidencies in *India* may suspend the Proceedings of any Court-martial held in *India* on any Officer or Soldier belonging to Her Majesty's *Indian* Forces within such Presidencies respectively; and if any Officer belonging to Her Majesty's *Indian* Forces shall think himself wronged by the Officer commanding the Regiment, and shall upon due Application made to him not receive the Redress to which he may consider himself entitled, he may complain to his Commander-in-Chief in order to obtain Justice, who is hereby required to examine into such Complaint, and thereupon, either by himself or by his Adjutant General, to make his Report to the Government of the Presidency to which such Officer belongs, in order to receive the further Directions of such Government.

As to Trial of Officers and Soldiers serving in India.

101. Any Officer or Soldier, or other Person subject to this Act, who shall be serving in the Territories of any Foreign State in *India* or in any Country in *India* under the Protection of Her Majesty, or at any Place in Her Majesty's Dominions in *India* (other than *Prince of Wales Island*, *Singapore*, or *Malacca*), at a Distance of upwards of One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and who shall be accused of having committed Treason or any other Crime which, if committed in *England*, would be Felony, may be tried by a General Court-martial, to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and, if found guilty, shall be liable to be sentenced by such Court-martial to suffer such Punishment as might legally have been awarded by any of Her Majesty's Courts of ordinary Criminal Jurisdiction within Her Majesty's Dominions in *India* in respect of an Offence of a like Nature and Degree, and committed within the Jurisdiction of such last-mentioned Court; but no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have

have been duly confirmed; and it shall be lawful for such General or other Officer commanding in chief as aforesaid to confirm the Sentence of any such General Court-martial; and such General or other Officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the Sentence; or, in the Case of a Sentence of Penal Servitude, may commute the same to Imprisonment, with or without Hard Labour, for such Period as to him shall seem fit: Provided always, that in all Cases wherein a Sentence of Death or Penal Servitude shall have been awarded by any such General Court-martial held for the Trial of a Commissioned Officer, or where a Sentence of Death shall have been awarded by any such General Court-martial held for the Trial of any Person subject to this Act other than a Commissioned Officer, such Sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried: Provided also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever.

Duration of this Act.

102. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-eight inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-nine; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-eight inclusive until the First Day of *May* One thousand eight hundred and sixty-nine; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-eight inclusive until the First Day of *August* One thousand eight hundred and sixty-nine; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and sixty-eight inclusive until the First Day of *September* One thousand eight hundred and sixty-nine; and shall be and continue in force in *India*, and within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and sixty-nine inclusive until the First Day of *January* One thousand eight hundred and seventy; and shall be and continue in force within *British Columbia* and *Vancouver's Island* from the Date of the Promulgation thereof in General Orders there inclusive until the First Day of *January* One thousand eight hundred and

and seventy; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and seventy inclusive until the First Day of *February* One thousand eight hundred and seventy-one: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

Repealing Section.

103. The Ninth Section of The Army Enlistment Act, 1867, and the Tenth Section of the same Act, except as to Enlistments which may have been made thereunder, are hereby repealed.

SCHEDULES referred to by the foregoing Act.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

* *Date* 186 .

TAKE Notice, That you enlisted with at o'Clock† on the Day of for the Regiment [*instead of the Words* "for the Regiment" *any Words may be substituted which are applicable to the Case*], and if you do not come to [*here name some Place*] on or before o'Clock† on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representation at the Time of Attestation, or false Answers to the Questions now asked of you.

Signature of the Non-commissioned Officer serving the Notice. _____

* Name of the Recruit. † A.M. or P.M., as the Case may be.

QUESTIONS this Day put to the RECRUIT before ENLISTMENT, as required by the MUTINY ACT.

1. What is your Name? - - - _____
2. In what Parish, and in or near what Town, and in what County were you born? - - _____
3. What is your Age? - - - - _____
4. What is your Trade or Calling? - - _____
5. Are you an Apprentice? - - - _____
6. Are you married, or a Widower, and, if so, have you any Children? - - - - _____
7. Do you now belong to any Regiment or any Corps in Her Majesty's Army, or to the Militia, or to the Naval Coast Volunteers, or to the Royal Naval Reserve Force? - - _____
8. Have you ever served in the Army, Marines, or in Her Majesty's Indian Forces? - _____
9. Have you ever been rejected as unfit for Her Majesty's Service? - - - _____
10. Have you ever been marked with the Letter D. or Letters B.C.? - - - - _____

ATTESTATION PAPER.

Questions to be put to the Recruit before Attestation.

1. What is your Name? - - _____
2. In what Parish, and in or near what Town, and in what County were you born? - - - In the Parish of _____ in or near the Town of _____ in the County of _____
3. What is your Age? - - - _____ Years _____ Months.
4. What is your Trade or Calling? - _____
5. Are you an Apprentice? - - _____
6. Are you married? - - - _____
7. Do you now belong to the Militia, or to the Naval Coast Volunteers, or to the Royal Naval Reserve Force? or Do you belong to any Regiment or Corps in Her Majesty's Army? _____
8. Have you ever served in the Army, Marines, Militia, Navy, or in Her Majesty's Indian Forces? * - _____

* If so, the Recruit is to state the Particulars of his former Service, and the Cause of his Discharge, and is to produce his Parchment Certificate of Discharge.

9. Have you ever been rejected as unfit for Her Majesty's Service, or for Her Majesty's Indian Forces, upon any prior Enlistment? - - _____
10. Have you ever been marked with the Letter "D" or the Letters "BC"? - - - - _____
11. Where, when, and by whom were you enlisted? - - - - At _____ on the _____ Day of _____ at _____ o'Clock, _____ M. By _____
12. Did you receive a Notice, and did you understand its Meaning? - _____
13. For what Bounty and Kit did you enlist? - - - - _____ and a free Kit.
14. Have you any Objection to make to the Manner of your Enlistment? _____
15. Are you willing to be attested to serve in the Regiment of or for "General Service" for the Term of Twelve Years, provided Her Majesty should so long require your Services; and also for such further Term, not exceeding Twelve Months, as shall be directed by the Commanding Officer on any Foreign, Colonial, or Indian Station? - - - - _____

Signature of Recruit _____

Witness _____

DECLARATION to be made by RECRUIT on ATTESTATION.

I , do solemnly and sincerely declare, That to the best of my Knowledge and Belief the above Answers to the foregoing Questions made and signed by me are true; and that I am willing to be attested for the Term of Twelve Years, provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Twelve Months, as shall be directed by the Commanding Officer on any Foreign, Colonial, or Indian Station.

Signature of Recruit _____

Signature of Witness _____

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand,

Signature of Recruit _____

Witness present _____

The above Questions were asked of the said and answered by him in my Presence, as herein recorded; and the said made the above Declaration and Oath before me at this Day of One thousand eight hundred and at o'Clock, M.

Signature of the Justice _____

Note.—The Recruit should, if he requires it, receive a certified Copy of the Declaration.

It is desirable that at least Half an Hour beyond the Twenty-four Hours prescribed by the Mutiny Act should have expired before Attestation, and that a Recruit should invariably be attested at least Half an Hour before the Expiration of Ninety-six Hours from the Time of Enlistment.

DECLARATION to be made by a SOLDIER, or PERSON having been a SOLDIER, on renewing his Service.

I do declare, That I am at present (1) in Captain Company, in the Regiment; (2) that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, in Regiment (2) for such further Term as shall complete a total Service of Twenty-one Years, provided my Services should so long be required, and also for such further Term, not exceeding Twelve Months, as shall be directed by the Commanding Officer on any Foreign, Colonial, or Indian Station.

(1) Or was, as the Case may be.

(2) The foregoing Portion of this Declaration may be altered, by substituting the Word "Corps" for "Regiment," to suit each particular Case.

Declared before me _____

Date _____

Place, at _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and .

FORM

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S or PURVEYOR'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office.

Declared before me by the within-named
this Day of

Justice of the Peace of
or *Commander-in-Chief*, or *Second in Command, et cætera, the Army serving in et cætera* [*as the Case may be*].

FORM of DECLARATION of ATTESTATION of a STOREKEEPER'S ACCOUNTS.

I , Storekeeper at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Sale of old Stores, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever beyond my Salary and authorized Allowances, except the trifling Advantage which may have arisen in respect to the fractional Parts of a Penny in the Totals of the Pay Lists, as sanctioned by the Regulations of 19th December 1832 $\frac{8}{1176}$ (See Art. 246, at Page 65, of Home Regulations); and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed

signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,

Storekeeper at _____

Declared before me at
this Day of 18 }

_____,

Magistrate for _____.

FORM of DECLARATION of ATTESTATION of a BARRACK MASTER'S ACCOUNTS.

I , Barrack Master of the Barracks at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Damages, and Deficiencies, washing Sheets, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever from or on account of the Purchase or Issue of any of the Articles for the Service of the said Barracks, nor have I any Property in Lands, Houses, Tenements, or any Article used or employed in the Service of the War Department; and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,

Barrack Master at _____.

Declared before me at
this Day of 18 }

_____,

Magistrate for _____.

FORM

FORM of DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS.

I do solemnly and sincerely declare, That the foregoing Pay List of the Regiment of , for the Period ended 186 , contains Charges of Pay for only such Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates as were effective and entitled to Pay during, and regularly mustered at, the Periods set against their Names; that all those Men who were not present at the respective Musters taken by me on the , the , and the have the true Reasons of their Absence stated against their Names; and that every Absence affecting the Pay or Allowances of such Men which occurred between the respective Musters is properly accounted for.

Also, that the List of Commissioned Officers prefixed to the said Pay List contains a true and just Statement of the Names of all the Commissioned Officers who have been effective and entitled to Pay as belonging to the said Regiment for the Periods therein set down against their respective Names; also, that all the Remarks opposite to their Names on the Muster Roll have been correctly copied therein; and that the Sum debited in the General State of this Pay List for the Pay of Officers has been actually received by me and paid to them respectively.

Also, that the whole of the Sums debited in this Pay List and Account, amounting to , have been actually and bonâ fide disbursed by me in conformity with the established Regulations, and that the total Sum received, drawn for, or required to be remitted for the several Services therein charged, including every Receipt whatever, for which I am required to give Credit in these Accounts, is .

Also, that the Statement at the Foot of this Page contains a full and correct List of all Abstracts of Examination, and of all Decisions on Abstracts of Examination, of the Pay List of this Regiment received between the of 186 (the Date of the last Pay List transmitted to the War Office being that for the Period ended the 186) and the of 186 , the Date of this Pay List.

Also, that the total Amount of the Sums disallowed in the said Decisions is credited in this Pay List, in conformity with Article 21 of the explanatory Directions, dated the 1st July 1848.

Also, that to the best of my Knowledge and Belief, both my Sureties are now living; that the Property of each is at least double that for which

which he is Surety; and that they respectively reside at the Places under mentioned.

Names of Sureties.	Places of Residence.

_____ *Paymaster.*

Declared and subscribed before me, at this Day of 186 . } _____ *Justice of the Peace for* _____

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a MILITARY ACCOUNTANT.

I HEREBY solemnly and sincerely declare, That this Account, comprised in Folios, is just and true, according to the best of my Knowledge, Information, and Belief; and I make this Declaration, conscientiously believing the same to be true.

_____ *Military Accountant.*

Declared before me, at this Day of 18 } _____ *Justice of the Peace for* _____

Mutiny.

No. .

DESCRIPTION RETURN of who was apprehended [*or "surrendered himself," as the Case may be,*] on the Day of and was committed to Confinement at on the Day of as a Deserter from [*insert Regiment or Corps*].

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place.	
Name and Occupation and Address of the Person by whom or through whose Means the Deserter was apprehended and secured.	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds.	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*

——————*Signature of Prisoner.*

——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of § Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and, if unfit, state the Cause of Unfitness.

§ No Fee will be allowed to a private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

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ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

***

Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Lord High Admiral, &c. to make Articles for the Punishment of Mutiny, Desertion, &c.

1. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to make, ordain, alter, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and for regulating the Proceedings of Courts-martial, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or within the *British Isles* shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which may be inconsistent with the Provisions of this Act.

As to Offences against former Mutiny Acts and Articles of War.

2. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of

of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

3. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Provisions of this Act to extend to Jersey, &c.

4. Nothing in this Act contained shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or Misdemeanor, or of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's

The ordinary Course of Law not to be interfered with.

Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering, &c.

5. No Person subject to this Act having been acquitted or convicted of any Crime or Offence by the Civil Magistrate or by the Verdict of a Jury shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class, or to the Rank of a Private Marine, by Order of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order of the Commandant of the Division to which such Non-commissioned Officer may belong; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

6. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of or be on board any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy for the Time being, and shall and may be proceeded against and punished for Offences committed by them whilst so borne or on board, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly for any Offences to be committed by them while so on shore; and, with

with or without any Commission or Warrant from the said Lord High Admiral or the said Commissioners for that Purpose, the Officer commanding in chief or commanding for the Time being any such Marine Officers or Marines shall have Power and Authority to convene, and to authorize any Officer to convene, Courts-martial under this Act, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Power to Lord High Admiral, &c. to grant Commissions for holding General Courts-martial, &c.

7. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, or before or after any such Commission or Warrant shall be granted, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he

Place where Offenders may be tried.

may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Power of General Courts-martial.

8. Every General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Nine Commissioned Officers, each of whom shall have held a Commission from Her Majesty for Three Years before the Date of the Assembly of the Court. Every General Court-martial shall have Power to sentence any Officer of Marines or Marine to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Sentence of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein. No Sentence of Penal Servitude shall be for a Period of less than Five Years, and no Sentence of Imprisonment shall be for a Period longer than Two Years.

Powers of District or Garrison Courts-martial.

9. Every District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of Divisional and Detachment Courts-martial.

10. A Divisional or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it be found impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

11. In Cases of Mutiny and Insubordination accompanied with personal Violence or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

12. It

Marine Mutiny.

Powers of Detachment General Courts-martial.

12. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any Country in which Her Majesty's Royal Marine Forces are so serving by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

13. When it is necessary or expedient, a Court-martial composed exclusively of Officers of the Royal Marines, or a Court-martial composed of Officers of Her Majesty's Army, or of Her Majesty's *Indian* Army, or of both or of either, together with Officers of the Royal Marines, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces, may try a Person belonging to any One of the said Three Services; provided that when the Person to be tried shall belong to Her Majesty's Royal Marine Forces, then the Provisions of this Act, or of such Act as shall be then and there in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; but where the Person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's *Indian* Army, and be within the United Kingdom, then the Proceedings of such Court shall be regulated as if the Court were composed of Officers of Her Majesty's Army only, and the Provisions of the Act then and there in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; and where the Person to be tried shall belong to Her Majesty's *Indian* Army, and be out of the United Kingdom, the Provisions of such Act or Acts as shall be then and there in force for punishing Mutiny and Desertion of Officers and Soldiers in Her Majesty's *Indian* Army, and

and the Rules and Articles of War, if any, relating to such Officers and Soldiers then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto.

If no Superior Officer of Land Forces is present in Command of a District, &c., an Officer of Marines may convene a Court-martial.

14. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as before stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Courts-martial.

15. The President of every Court-martial shall be appointed by or under the Authority of the Officer convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

16. In

Proceedings at Trial.

16. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection, unless allowed by Two Thirds at least of the other Officers appointed to form the Court, shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

17. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested; or if such Court be not sitting, then by any Judge of the

Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, Sheriff or Stewart Courts in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

No Second Trial, but Revision allowed.

18. No Officer or Marine who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

Crimes punishable with Death.

19. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces,

or

or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or shall conspire with any other Person to cause a Mutiny, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert from Her Majesty's Royal Marine Forces; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or Penal Servitude or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Commutation of Death for Penal Servitude or Imprisonment, &c.

20. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Commanding Officer having Authority to confirm Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude for any Term not less than Five Years,

or

or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

Embezzlement punishable by Penal Servitude, Imprisonment, &c.

21. Any Officer or Marine, or any Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to any of Her Majesty's Forces or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Five Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks, if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained; and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences of Penal Servitude in the United Kingdom.

22. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making

making any such Orders in relation to Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on condition of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland* to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England*, and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England*, and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England*.

23. When-

As to Execution of Sentences in the Colonies.

23. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, if in *India* to the Chief Judge or any Judge of the Chief Civil Court of the Presidency or Province in which the Court-martial has been held; and if in any other Part of Her Majesty's Foreign Dominions, to the Chief Justice or some other Judge therein, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced or where he may come or be as aforesaid in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall, according to such Directions, undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony or in the Colony or Place to which he has been so removed or sent respectively.

Sentence of Penal Servitude may be commuted for Imprisonment.

24. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for such Term not exceeding Two Years as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

25. Where

Of Forfeitures, when combined with Penal Servitude.

25. Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay shall have been added to any Sentence of Penal Servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of Convict after Sentence of Penal Servitude.

26. When any Sentence of Death shall be commuted for Penal Servitude, or when any Marine shall by Court-martial be adjudged to Penal Servitude as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem*, or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment in certain Cases.

27. No Court-martial shall, for any Offence whatever committed in Time of Peace within the Queen's Dominions, have Power to sentence any Marine to Corporal Punishment: Provided, that any Court-martial may sentence any Marine to Corporal Punishment while on active Service in the Field, or on board any Ship not in Commission, for Mutiny, Insubordination, Desertion, Drunkenness on Duty or on the Line of March; and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

28. It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed herein-after or by the Articles of War, and in case of a Marine in addition to Corporal Punishment.

Power to commute Corporal Punishment.

29. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement hereinbefore mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute a Sentence of cashiering.

30. It shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Forfeiture of Pay and Pension by Sentence of Court-martial.

31. Any General Court-martial may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of any Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former good Conduct, and of all Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with

with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

32. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or found guilty by a Jury of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and every Marine who may be so convicted, or who may be sentenced to Penal Servitude, or discharged with Ignominy, shall thereupon likewise forfeit all Medals which he may be in pos-

session of, whether for Sea or Field Service or for good Conduct, together with any Annuity or Pension or Gratuity, if any, thereto appertaining; and any Sergeant reduced to the Ranks by Sentence of Court-martial may, by the Order of the same Court, be made to forfeit any Annuity or Pension and Medal for meritorious Service, or any or either of them, which may have been conferred upon him.

Forfeiture of Pay when in Confinement;

33. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement as a Deserter by Confession or under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave.

authorized to award, order that such Marine shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself; and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

34. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay for such Period not exceeding Two Years, and under such Restrictions and Regulations as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

35. Any

Forfeiture of Pay for Drunkenness on Duty.

35. Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms, or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award.

Stoppages.

36. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal or Decoration for Service or for general good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss, Disposal of, or Destruction of, or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal

Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid: Provided also, that so much only of the Pay of the Marine may be stopped and applied as shall, after satisfying the Charges for Messing and Washing, leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

37. Whenever any Marine shall have been convicted of Desertion or of any such disgraceful Conduct as is herein-before described, and the Court in respect of such disgraceful Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further sentence him to be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or, if in the *East Indies*, for the Officer commanding in chief Her Majesty's Land Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted to Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Marking Deserters or Marines discharged with Ignominy.

38. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked, Two Inches below and One Inch in rear of the Nipple of the Left Breast, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be clearly seen and not liable to be obliterated; a Court-martial may, upon sentencing any Offender to be discharged with Ignominy, also sentence him to be marked on the Right Breast with the Letters B.C., and the confirming Officer may order such Sentence in respect of the Marking to be carried into effect.

Power of Imprisonment by different Kinds of Courts-martial.

39. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, in no Case exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall exceed Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed

Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

Imprisonment of Offender already under Sentence.

40. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or of Penal Servitude, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Term and Place of Imprisonment.

41. Save as herein specially provided, every Term of Penal Servitude or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

42. In the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison other than a Military Prison, or in any Gaol or House of Correction or elsewhere, in any Part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, in all Cases, or for the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Division or the District or Garrison in which such Prisoner may be, to give, as often as Occasion

sion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than a Military Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the Officer commanding the Royal Marines there serving, in the Case of any such Prisoner, to give as often as Occasion may arise an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military or other Custody, whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction, either within the United Kingdom or elsewhere, to some other Prison or Place, either in the United Kingdom or elsewhere, the Officer or Authorities who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler, or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be duly discharged or delivered over to other Custody before the Expiration of that Time under an Order duly made for that Purpose; and in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any Military Prison in any Part of Her Majesty's Dominions, the Secretary of State for War, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military or other Custody as may be lawfully exercised by any of the Authorities above mentioned in respect of any Prisoners undergoing Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions; and such Prisoner in any of the Cases herein-before mentioned shall accordingly, on the Production of any such

such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military or other Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place, and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Custody of Prisoners under Military Sentence in Common Gaols.

43. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction, in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to other Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Subsistence of Prisoners in Common Gaols.

44. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions shall diet and supply every Marine imprisoned therein under the Sentence of a Court-martial or as a Deserter

Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem*, or such other Sum as aforesaid, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Notice to be given of Expiration of Imprisonment in Common Gaols.

45. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, specifying the Day and Hour of the Day on and at which he is to be released; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, or the Officer commanding at the nearest Head Quarters of the Royal Marines, or the Officer commanding Her Majesty's Ship to which any such Marine may belong, shall, by Writing under his Hand, direct that such Marine be delivered to some other Officer or Person, in which Case he shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine, and, if

such Gaoler or other Person as aforesaid has conducted or conveyed any such Marine, specifying the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of One Shilling *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds. In all Cases where the Marine in Custody is under Sentence to be discharged from the Service on the Completion of his Term of Imprisonment, and the Discharge Document is in the Hands of the Gaoler, such Gaoler shall not be required to make any Report thereof to the Secretary of the Admiralty or to the Deputy Adjutant General of Marines.

Military Prisons established under any Act for punishing Mutiny and Desertion in the Army to be deemed public Prisons.

46. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

47. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for

for any such Offence be sentenced to be cashiered: Provided that it shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Rank as may be deemed expedient; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

Verifying of Muster Rolls.

48. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subsequent Re-enlistment.

49. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps, and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

50. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry, and to remand the said suspected Person, in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the

the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained; and if it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath, or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, or Deputy Adjutant General of Royal Marines, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty,

Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of such Fees; and that when any such Person shall be apprehended and committed as a Deserter in any Part of Her Majesty's Foreign Dominions, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in such Part, or if the Detachment be in such Part, the Justice may deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the Officer commanding a Description Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law; and such Description Return, purporting to be duly made and subscribed in accordance with the Act, shall, in the Absence of Proof to the contrary, be deemed sufficient Evidence of the Facts and Matters therein stated: Provided always, that any such Person so committed as a Deserter in any Part of Her Majesty's Dominions shall, subject to the Provisions herein-after contained, be liable to be transferred, by Order of the Colonel Commandant or other Officer commanding, to serve in any Division, Corps, Detachment, or Party nearest to the Place where he shall have been apprehended, or to any other Division, Corps, Detachment, or Party to which the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral may deem it desirable that he should be transferred, and shall also be liable after such Transfer of Service to be tried and punished as a Deserter.

Transfer of Deserters.

51. For and in respect of any Marine attempting to desert from any Head Quarters, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Penalty on Marines attempting to desert from Head Quarters.

52. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Marine or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe

Temporary Custody of Deserters in Gaols.

Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

53. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter from Her Majesty's Royal Marine Forces, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if elsewhere by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England* or *Ireland*, of an Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of Queen *Victoria*, intituled *An Act to consolidate and amend the Statute Law of* England *and* Ireland *relating to Larceny and other similar Offences*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may

24 & 25 Vict. c. 96.

may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk; or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

54. Any Person who shall, in any Part of Her Majesty's Dominions, by any Means whatsoever, directly or indirectly procure any Marine to desert or absent himself from his Duty without Leave from his Commanding Officer, or attempt to procure or persuade any Marine to desert or absent himself from his Duty, and any Person who, knowing that any Marine is absent from his Duty without Leave from his Commanding Officer, shall harbour or conceal such Marine, or aid or assist such Marine in concealing himself, or aid and assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof before any Two Justices acting for the County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justices shall think fit.

Extension of Furlough in case of Sickness.

55. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine, not borne on the Books of any of Her Majesty's Ships or Vessels in Commission as aforesaid, and who shall be on Furlough, shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall

shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards;

56. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine, or who has received Marine Enlistment Money, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf,

but not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Marine Necessaries or Equipments of such Marine: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices duly bound under the Age of Twenty-one Years, as herein prescribed.

Officers not to be Sheriffs, Mayors, &c.

57. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, and no such Officer and no Non-commissioned Officer of such Forces shall be capable of being nominated or elected to be a Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit or other Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit or other Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any

such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Questions to be put to Recruits on enlisting.

58. Every Person authorized to enlist Recruits for the Royal Marines shall first ask the Person offering to enlist whether he belongs to the Militia, and also such other Questions as the said Lord High Admiral or the said Commissioners may direct to be put to Recruits, and shall, immediately after giving him Enlisting Money, serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

Recruits when deemed to be enlisted.

59. Every Person who shall receive Enlisting Money in manner aforesaid shall upon such Receipt be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

When Recruits to be taken before a Justice.

60. Every Person so enlisted as aforesaid shall, within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Marines, for the Purpose of being attested as a Marine, or of objecting to his Enlistment.

Dissent and Relief from Enlistment.

61. When a Recruit, upon appearing before a Justice for the Purposes aforesaid, shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall report such Discharge to the Commandant of the Division for which the Marine shall have enlisted; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless upon Repayment of the Enlisting Money and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he shall be entitled to be discharged; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of the Admiralty and to the said Commandant, shall be paid over to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

62. If

Attesting of Recruits.

62. If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and state that he is unable to pay the Sums mentioned in the last Section, he shall be attested as follows: the Justice, or some Person deputed by him, shall read to the Recruit the Questions set forth in the Form contained in the Schedule to this Act annexed, cautioning him that if he fraudulently make any false Answer thereto he shall be liable to be punished as a Rogue and Vagabond, and the Answers of the Recruit shall be recorded opposite to the said Questions, and the Justice shall require the Recruit to make and sign the Declaration in the said Form, and shall then administer to him the Oath of Allegiance in the said Form; and when the Recruit shall have signed the said Declaration and taken the Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested, and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits until they have been attested or received Pay not triable by Court-martial, but in certain Cases punishable as Rogues and Vagabonds.

63. No Recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial; but if any Recruit, previously to his being attested, shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices within the United Kingdom, or for any One Justice out of the United Kingdom, acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be, when he shall be brought before them or him, if in *England*, to adjudge him to be a Rogue and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland*, or elsewhere in Her Majesty's Dominions, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months; and the Declaration made by the Recruit on his Attestation, purporting to be made and subscribed in accordance with the Schedule to this Act annexed, shall, in the Absence of Proof to the contrary, be deemed sufficient Evidence of such Recruit having represented the several Particulars as stated in such Declaration; and any

Marine

Marine who shall have given any false Answer at the Time of or relative to his becoming a Marine shall forfeit all Pay, Wages, and other Monies, be the same Naval, Marine, or otherwise, which he might otherwise have been entitled to for any Period of Service in the Royal Marines.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

64. Any Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable, at the Discretion of the said Lord High Admiral or the said Commissioners, to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Recruits absconding.

65. If any Recruit shall abscond so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose a Certificate of the Name and Place of Residence and Description of such Recruit and of his having absconded, and shall declare the same to be true, and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the *Police Gazette*.

As to Militiamen enlisting into Regular Forces.

66. If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for War, on the Confession thereof by such Militiaman, or on other Proof thereof, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State for War shall direct, and further to determine whether such Man shall be returned to his Militia Regiment after such Sum shall have been made good, or shall be deemed to be a Marine in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation.

Volunteer Permanent Staff Officers

67. If any Non-commissioned Officer of the Volunteer Permanent Staff shall enlist into the Royal Marines, he may be tried and punished

punished as a Deserter, but if he confesses his Desertion the Secretary of State for War, instead of causing him to be tried and punished as a Deserter, may cause him to be returned to his Service on the Volunteer Permanent Staff, to be there put under Stoppages from his Pay until he has repaid the Amount of any Bounty received by him, and the Expenses attending his Enlistment, and also the Value of any Arms, &c. issued to him while on the Volunteer Permanent Staff, and not duly delivered up by him, or may cause him to be held to his Service in the Royal Marines with a Direction, if it seems fit, that his Term of Service therein shall not be reckoned for Pension until the Time when his Engagement on the Volunteer Permanent Staff would have expired, and may further cause him to be put under Stoppages of One Penny a Day of his Pay until he has repaid the Expense attending his Engagement or Attestation on the Volunteer Permanent Staff, and also the Value of any Arms, Clothing, or Appointments issued to him while on the Volunteer Permanent Staff, and not duly delivered up by him.

enlisting into Regular Forces.

68. Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Service shall be liable to be tried for such Offence by a General Court-martial, and to be sentenced to such Punishment, other than Death or Penal Servitude, as such Court may award.

Penalty on Persons offending as to Enlistment.

69. It shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, or for the Officer commanding any Ship or Vessel of Her Majesty on the Books of which any Marine may be borne, or on board of which any such Marine may be, or, notwithstanding anything in this Act contained, for the Commanding Officer of any Battalion or Detachment of Royal Marines, whether borne on the Books of any One of Her Majesty's Ships or otherwise, to re-engage or enlist and attest out of *Great Britain* or *Ireland* any Marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine Forces, if such Marine be considered by such Commanding Officer, Justice, or Magistrate a fit Person to continue in Her Majesty's Service; and every such Commanding Officer, Justice, or Magistrate shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices of the Peace in the United Kingdom for all such Purposes of Enlistment and Attestation, and any Marine so re-enlisted or re-engaged shall be deemed to be an attested Marine.

As to Re-enlistment abroad.

 70. Any

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

70. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

71. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, (not having been above the Age of Fourteen Years when so bound,) and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland* prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures

tures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

72. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Punishment of Apprentices enlisting.

Removal of Doubts as to Attestation of Marines.

73. No Person who shall for Six Months, and either before or after the passing of this Act, have received Pay and be borne on the Strength and Pay List of any Division of Her Majesty's Royal Marine Forces, of which the last Quarterly Pay List (if produced) shall be Evidence, or been borne as a Marine on the Books of any of Her Majesty's Ships in Commission, shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation or Re-engagement, or on any other Ground whatsoever, but, on the contrary, every such Person shall be deemed to have been duly enlisted, attested, or re-engaged, as the Case may be.

Power to Admiralty to order

74. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High

Pay to be withheld.

High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

75. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route, Care being always taken that the Billets be made out for the less distant Houses in which suitable Accommodation can be found before making out Billets for the more distant; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in the Manner required by this Act upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether

whether they be in the same or a different County in like Manner in every respect as if such Houses were all locally situated within such Place: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person or Persons having Stables, and who are by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively, and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or to enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to

the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Innkeepers.

76. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain*, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, out of the Pay and Subsistence of such Officers and Marines, before any Part of the said Pay or Subsistence be paid or distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged

charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

Supply of Carriages.

77. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of

of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

78. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland* for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days, beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *Great Britain* when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay

pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time without Hindrance of Her Majesty's Service: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

As to Supply of Carriages, &c. in Cases of Emergency.

79. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral,

or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

80. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues

Rogues Money and Assessments directed and authorized to be assessed and levied by an Act passed during the Session holden during the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

81. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

82. All Officers and Marines on Duty or on their March, being in proper Uniform, Dress or Undress, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage, or returning from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Prescription, Grant, or Custom, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine on Duty or on their March who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the

the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

83. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

84. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland*,

Ireland, for each Horse, in such Quantities and at such Rates as herein-before provided, or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Marine or Marine Recruit with the view of fraudulently obtaining a Billet or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty upon Officers of Marines so offending.

85. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate of such Conviction be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken from any Person any Money or Reward for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or

Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for forcible Entry in pursuit of Deserters without Warrant.

86. Every Marine Officer or Marine who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouse of any Person whomsoever in pursuit of any Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

87. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person acting for or on his Behalf, upon any Account or Pretence whatsoever, or who shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Spirits, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, or who shall pawn, sell, or deposit in any Place or with any Person such Articles of Regimental Necessaries, with or without the Consent of such Marine, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles; and if any Person having been at any Time previously convicted of either of the above Offences under this or any previous Act for the Regulation of Her Majesty's Royal Marine Forces

Forces while on shore shall afterwards be guilty of any such Offence, he or she shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law.

Penalty on unlawful recruiting.

88. Every Person (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on killing Game without Leave.

89. For the better Preservation of the Game and Fish in or near Places where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, shall for every such Offence forfeit the Sum of Five Pounds.

90. If

Limitations of Actions.

90. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

91. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures or Treble Value as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth

11 & 12 Vict. c. 43.

Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed in the United Kingdom; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles* or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions. 14 & 15 Vict. c. 93.

92. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or, where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty. Appropriation of Penalties. 5 & 6 W. 4. c. 76.

93. It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices Licences of Canteens.

or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

94. Any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Administration of Oaths.

Perjury.

95. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or other Person having Authority to administer Oaths and Declarations; and any Person giving false Evidence, or taking a false Oath or Declaration where an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

96. All

Marine Mutiny.

Definition of Terms.

96. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed;* and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Powers and Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drunk in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin by Retail in *Great Britain* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the Admiralty, War, or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

97. This

Duration of Act.

97. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty-eight until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-nine inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty-eight until the First Day of *May* One thousand eight hundred and sixty-nine inclusive; and within the Garrison of *Gibraltar*, and within the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty-eight until the First Day of *August* One thousand eight hundred and sixty-nine inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the First Day of *September* One thousand eight hundred and sixty-eight until the First Day of *September* One thousand eight hundred and sixty-nine inclusive; and in all other Places from the First Day of *February* One thousand eight hundred and sixty-nine until the First Day of *February* One thousand eight hundred and seventy inclusive: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein contained to the contrary notwithstanding.

SCHEDULE referred to by this Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help you GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 186 .

A.B.

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Royal Marines, and if you do not come forward to [*here name some Place*] on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representations at the Time of Attestation.

Signature of the Non-commissioned Officer serving the Notice. }

* At A.M. or P.M., as the Case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the Parish of in the County of , do solemnly and sincerely declare, That to the best of my Knowledge and Belief I was born in the Parish of (*a*) in or near the Town of (*b*) in the County of (*c*) , and am Years of Age; that I am of the Trade or Calling of [*or* of no Trade or Calling, *as the Case may be*]; that I am not an Apprentice; that I am married (that I am not a Widower; that I am a Widower, and that I have (*or* have not) Children) [*or* not married, *as the Case may be*]; that I do not belong to the Militia, or to the Naval Coast Volunteers, or Royal Naval Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military, Marine, or Naval Employment whatsoever, except ; that I have never been marked with the Letter D; that I have never been

been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit [*as the Case may be*], and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Royal Marines for the Term of [*the Blank after the Words* "Term of" *to be filled up with Twelve Years, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Signature of Recruit.

Signature of Witness.

Note (*a*), (*b*), (*c*).—These Blanks need not be filled up if the Recruit is unable to give the requisite Information.

OATH to be taken by a RECRUIT on ATTESTATION.

I DO make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand, *Signature of the Recruit.*

Witness present.

Declared and sworn before me at this Day of One thousand eight hundred and at o'Clock.

Signature of the Justice.

DECLARATION

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Signature of Marine.

Signature of Witness.

Declared before me this Day of 186 .

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

Marine Mutiny.

DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the Case may be*] on the Day of and was committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place	
Name and Occupation and Address of the Person by whom or through whose Means the Deserter was apprehended and secured	
* Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

———— *Signature and Address of Magistrate.*
———— *Signature of Prisoner.*
———— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

———— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XVI.

An Act to apply the Sum of Seventeen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine. [29th *May* 1868.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year ending on the Thirty-first Day of *March* One thousand eight

There shall be applied for the Service of the Year ending

31st March 1869 the Sum of 17,000,000*l.* out of the Consolidated Fund.

eight hundred and sixty-nine, the Sum of Seventeen million Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being are hereby authorized and empowered to issue and apply the same accordingly.

Bank of England may advance 17,000,000*l.* on the Credit of this Act.

2. The Governor and Company of the Bank of *England* may make Advances to Her Majesty, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to an Amount not exceeding in the whole the Sum of Seventeen million Pounds, and such Advances shall be made on the Application of the Commissioners of Her Majesty's Treasury, from Time to Time, in such Sums as may be required for the Public Service, and shall be placed to the Credit of the Account of Her Majesty's Exchequer at the Bank of *England*, and be available to satisfy the Orders for Credits granted or to be granted on the said Account, under the Provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any Services voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Interest on Advances.

3. The Advances made by the Bank of *England*, from Time to Time, under the Authority of this Act, shall bear Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem*, and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund at any Period not later than the next succeeding Quarter to that in which the said Advances shall have been made.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XVII.

An Act to further continue and appropriate the *London* Coal and Wine Duties.

[29th *May* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Continuance of Duties and Acts (21 & 25 Vict. c. 42. 26 & 27 Vict. c. 46.) for a further Period of Seven Years.

1. All Duties by The *London* Coal and Wine Duties Continuance Act, 1861, continued until the Fifth Day of *July* One thousand eight hundred and seventy-two, and by The *London* Coal and Wine Duties Continuance Act, 1863, further continued until the Fifth Day of *July* One thousand eight hundred and eighty-two, and all Acts relating thereto, shall be and the same are hereby further continued until the Fifth Day of *July* One thousand eight hundred and eighty-nine; and The *London* Coal and Wine Duties Continuance Act, 1861, shall be read as if the Fifth Day of *July* One thousand eight hundred and eighty-nine had been substituted throughout that Act for the Fifth Day of *July* One thousand eight hundred and seventy-two.

Coal Duty of Fourpence to be applied

2. The net Proceeds of the Duty of Fourpence, Part of the Duty of Twelvepence, on Coal, Culm, and Cinders, continued by this

by Corporation of London for Improvements.

this Act, shall, during the Continuance thereof, be applied by the Mayor, Aldermen, and Commons of the City of *London* as follows, so far as the same are not already appropriated by Act of Parliament, in the first instance in completing the *Holborn Valley* Viaduct, new Streets, and Improvements under The *Holborn Valley* Improvement Act, 1864, and The *Holborn Valley* Improvement (Additional Works) Act, 1867, and other Improvements connected therewith, and afterwards the said Duty of Fourpence shall be applied by the said Corporation of *London* towards or in aid of such public Improvement or Improvements in or adjacent to the City of *London* as Parliament may hereafter sanction.

Compensation or Pensions to Officers in certain Cases to be regulated by 22 & 23 Vict. c. 26.

3. Whenever any Clerk or other Officer appointed by the Court of Common Council under the Authority of the Acts First and Second *William* Fourth, Chapter Seventy-six, First and Second *Victoria*, Chapter One hundred and one, Eighth and Ninth *Victoria*, Chapter One hundred and one, Fourteenth and Fifteenth *Victoria*, Chapter One hundred and forty-six, and Twenty-fourth and Twenty-fifth *Victoria*, Chapter Forty-two, for the Purpose of carrying out the Provisions of the said Acts relating to the Collection of the Duties on Coal and the Allowance of Drawback on the same when exported beyond the Limits of the Port and District of *London*, or any Officer appointed to collect or control the Wine Duties, shall from Age, Illness, Length of Service, or any other Cause become incapable of performing the Duties of his Office, or when any such Office shall be abolished, it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to grant to such Clerk or other Officer such Compensation or Pension as they shall deem right in respect of the Salary, Allowances, or Emoluments which such Clerk or Officer may be in receipt of, but such Compensation or Pension shall not exceed the Compensation or Pension that can be granted to a public Servant under an Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in Her Majesty's Service, and passed in the Session of Parliament holden in the Twenty-second of *Victoria*, Chapter Twenty-six.

Compensations or Pensions to be charged on Duties.

4. The Amount of such Compensation or Pension shall be charged rateably on the several Duties collected under the Authority of the above-recited Acts relating to the Coal and Wine Duties and this Act, but no such Pension shall extend beyond the Time to which such Duties are continued.

5. The

5. The several Coal and Wine Duties by this Act continued for the Year ending the Fifth Day of *July* One thousand eight hundred and eighty-nine shall be applied in the first instance in freeing from Toll the following Bridges on the *Thames; viz.*, *Kew*, *Kingston-upon-Thames*, *Hampton Court*, *Walton-upon-Thames*, and *Staines:* Application of Duties.

And next in making free from Toll *Chingford Bridge* and *Tottenham Mills Bridges* upon the River *Lee:*

And should there be any Surplus remaining, the same shall be applied as Parliament may hereafter direct.

6. This Act may be cited as "The *London* Coal and Wine Duties Continuance Act, 1868." Short Title.

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ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. XVIII.

An Act to give further Time for making certain Railways. [29th *May* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Railways (Extension of Time) Act, 1868.

Interpretation of Terms.

2. In this Act—

The Term "Company" means a Railway Company; that is to say, a Company constituted by Act of Parliament, or by Certificate under Act of Parliament, for the Purpose of constructing, maintaining, or working a Railway (either alone or in conjunction with any other Purpose):

The Term "Railway" includes "Tramway:"

The Term "Share" includes "Stock:"

The Term "Gazette" means with respect to a Railway or Works or Lands in *England* the *London Gazette*, with respect to a Railway or Works or Lands in *Scotland* the *Edinburgh Gazette*, and with respect to a Railway or Works or Lands in *Ireland* the *Dublin Gazette*.

Power for Company to apply to Board of Trade for

3. Where it is desired that the Time limited for the Completion by a Company of a Railway, or Part of a Railway, or of a Work, or for the Purchase by them of Lands for the Purpose thereof, be extended, then, subject and according to the Provisions of this Act,

 within

Extension of Time.

within One Year after the passing of this Act, an Application for that Purpose may be made to the Board of Trade by or on behalf of the Company.

Application only with Assent of Shareholders.

4. An Application under this Act shall not be entertained by the Board of Trade unless it is made with the Assent of Three Fifths in Value of the Votes of the Holders of the Shares in the subscribed Capital of the Company, recorded at an Extraordinary Meeting of the Company convened for the Purpose.

Circular to Shareholders.

5. Where a Meeting is called for the Purposes of this Act the Secretary of the Company shall, Seven clear Days at least before the Day appointed for the Meeting, send by Post to each registered Shareholder, to his registered or known Address, a Circular, which shall be in the Form given in the Schedule to this Act, with such Variations as Circumstances require, and with such Modifications (if any) as the Board of Trade approve.

Mode of Signification of Assent or Dissent.

6. Each Shareholder may signify his Assent to or Dissent from the proposed Application in the Manner indicated in the Circular sent.

Meeting to elect Scrutineers.

7. At the Meeting the Shareholders personally present shall elect Three Shareholders to be Scrutineers.

Ascertainment of Assents or Dissents.

8. The Scrutineers shall ascertain and record the Proportion of Capital held by Shareholders assenting, and shall report it to the Chairman, who shall announce it to the Meeting, and state whether the proposed Application is assented to by the requisite Proportion or not.

What Shares only to be reckoned.

9. In the Computation of Assents a Share shall not be reckoned unless the Holder thereof is duly registered, and has paid on all Shares held by him all Calls due by him made Three Months or upwards before the Day of the Meeting or of the Presentation to the Directors of the Requisition (if any) on which the Meeting is held.

Adjournment on Application of Scrutineers.

10. For the Purpose of receiving the Report of the Scrutineers, the Chairman may, if he thinks fit, on the Application of any one of the Scrutineers, and shall, if required by more than One of them, adjourn the Meeting to a Day appointed by him, being not less than One or more than Seven clear Days from the Day of the Meeting.

Decision of Scrutineers final.

11. The Decision of the Scrutineers, or any Two of them, on any Matter to be decided by them under this Act, shall be final.

12. When

Notice of Application in Gazette, &c.

12. When an Application has been made to the Board of Trade in accordance with this Act, then, if it appears to them that there are sufficient Grounds for entertaining the Application, they shall direct Notice of the Fact that the Application has been made to be given, by or on behalf of the Company, by Advertisement (in a Form approved by the Board of Trade) once in the Gazette and once in each of Three successive Weeks in a Newspaper published or circulating in each of the Counties in which any Portion of the Railway, Part of a Railway, Works or Lands to which the Application relates is situate, and by Bills affixed, on Three successive *Sundays*, on the principal outer Door of the Church or Churches in every Parish in which any Portion of the Railway, Part of a Railway, Works or Lands is situate; and every such Notice shall state when and how any Person, Company, or Corporation objecting to the Application may bring his Objection before the Board of Trade.

Extension of Time by Warrant of Board of Trade.

13. The Board of Trade, on Proof to their Satisfaction that Notice has been duly given, and on the Expiration of the Time allowed for Objections, and after considering the Objections (if any), may, if they think fit, by Warrant (signed by their Secretary or One of their Assistant Secretaries), according to the Nature of the Application made to them, and on such Terms and Conditions (if any) as they think fit, extend the Time limited for the Completion of the Railway, or of any Part thereof, or of any Works, or may (with or without Extension of the Time aforesaid) extend the Time limited for the Purchase of any Lands for the Purpose of the Railway, or of any Part thereof, or of any Works, for such Time in each Case as they think fit, not exceeding in any Case Two Years from the Expiration of the respective Time limited; and every such Warrant shall have effect as if the Provisions thereof had been enacted by Parliament; provided that no such Warrant shall be granted unless the Board of Trade, having ascertained the State and Condition of the Company in the Manner provided in the Fourteenth Section of the Abandonment of Railways Act, 1850, see reason to believe that the Company will be able to complete the Railway, Part of a Railway, or Works within the extended Time named in the Warrant, for which Purpose the Board of Trade shall have all the Powers of that Section, and the Provisions of that Section shall extend and apply to the Case of Proceedings under this Act.

Notice of Warrant in Gazette.

14. Within One Month after the Warrant is issued by the Board of Trade they shall give Notice thereof in the Gazette.

Compensation for Extension of Time.

15. Justices, Arbitrators, Umpires, and Juries, in estimating the Compensation to be made by the Company to the Owners or Occupiers of or Persons interested in Lands, shall have regard to and make Compensation for the additional Damage (if any) sustained by

by those Owners, Occupiers, or Persons by reason of any Extension of Time under this Act.

Saving for Contracts and Notices before Act.

16. Where, before the passing of this Act, a Contract has been entered into by a Company for the taking of Lands for their Railway or Works, this Act shall not authorize, as regards those Lands, any Extension of te Time limited for the Purchase of Lands; and every such Contract shall continue to have effect as if this Act had not been passed.

THE SCHEDULE.

Form of Circular and of Assent or Dissent.

The Railways (Extension of Time) Act, 1868.

The Company.

An Extraordinary Meeting of the Shareholders of this Company will be held at on the Day of at o'Clock, for the Purpose of determining whether or not an Application shall be made to the Board of Trade, under the above-mentioned Act, for an Extension of the Time limited by [*state the Act or Acts limiting the Time proposed to be extended*] for [*state the Matter to which the Limitation relates*].

You are requested to signify your Assent to or Dissent from the proposed Application by writing in the Fourth Column of the following Table the Word *assenting* or *dissenting*, as the Case may be, and signing your Name thereunder, and by returning this Circular, so filled up and signed, to me, so that I shall receive the same on or before the Day next preceding the Day of the Meeting, but if your Assent or Dissent is not received at latest on the Day next preceding the Day of the Meeting it will not be computed.

Name of Railway.	Name of Shareholder.	Amount of Share Capital held by him.	Whether assenting or dissenting.
*	*	*	†
			(Signed)

* The Secretary will insert these Particulars.

† In this Column the Shareholder will write the Word *assenting* or *dissenting*, as the Case may be, and sign his Name thereunder.

(Signed)

Secretary.

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Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Orders in Council specified in the Schedule to be valid.

1. That the Orders of Her Majesty in Council specified in the Schedule annexed to this Act shall be and be deemed to have been good, valid, and effectual in Law.

SCHEDULE.

Ecclesiastical Corporation.	Date of Order in Council.	Date of London Gazette.
The Dean and Chapter of the Cathedral and Metropolitical Church of Saint Peter at York.	18 August 1852 -	10 September 1852.
The Dean and Chapter of the Cathedral Church of Carlisle.	10 November 1852 -	17 December 1852.
The Dean and Chapter of the Cathedral Church of Peterborough.	29 March 1854 -	2 May 1854.
The Dean and Chapter of the Cathedral Church of Chester.	3 July 1854 -	4 July 1854.
The Dean and Chapter of the Cathedral Church of Gloucester.	26 June 1855 -	17 July 1855.
The Dean and Chapter of the Cathedral Church of Saint Asaph.	24 June 1856 -	1 July 1856.
The Dean and Chapter of the Cathedral Church of Worcester.	29 November 1859 -	16 December 1859.
The Dean and Chapter of the Cathedral Church of Chichester.	10 May 1860 -	16 May 1860.
The Dean and Chapter of the Cathedral Church of Winchester.	16 April 1861 -	16 April 1861.
The Dean and Chapter of the Cathedral Church of Salisbury.	11 October 1861 -	15 October 1861.
The Dean and Chapter of the Cathedral Church of Bristol.	7 June 1862 -	10 June 1862.
The Dean and Chapter of the Cathedral and Metropolitical Church of Christ, Canterbury.	6 August 1862 -	8 August 1862.
The Dean and Chapter of the Cathedral Church of Exeter.	30 August 1862 -	5 September 1862.
The Dean and Chapter of the Cathedral Church of Wells.	26 July 1866 -	27 July 1866.
The Dean and Chapter of the Cathedral Church of Rochester.	9 August 1866 -	10 August 1866.
The Dean and Chapter of the Cathedral Church of Saint David's.	14 September 1866 -	18 September 1866.
The Dean and Chapter of the Cathedral Church of Llandaff.	26 June 1867 -	28 June 1867.
The Dean and Canons of Her Majesty's Free Chapel of Saint George within Her Majesty's Castle of Windsor.	26 June 1867 -	28 June 1867.

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CAP. XX.

An Act to enable Persons in *Ireland* to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

[29th *May* 1868.]

WHEREAS it is expedient to extend to *Ireland* the Provisions of "The Legitimacy Declaration Act, 1858," which enables Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and which also enables Persons to establish their Right to be deemed Natural-born Subjects by Application to the Court for Divorce and Matrimonial Causes in *England*:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Application to Probate Court in Ireland for Declaration of Legitimacy.

1. Any Natural-born Subject of the Queen, or any Person whose Right to be deemed a Natural-born Subject depends wholly or in part on his Legitimacy, being domiciled in *England* or *Ireland*, or claiming any Real or Personal Estate situate in *Ireland*, may apply by Petition to the Court of Probate in *Ireland*, praying for a Decree that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his

Grandfather and Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person being so domiciled or claiming as aforesaid may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage; and such Court shall have Jurisdiction to hear and determine such Application, and to make such Decree declaratory of the Legitimacy or Illegitimacy of such Person, or of the Validity or Invalidity of such Marriage, as to the Court may seem just; and such Decree, except as herein-after mentioned, shall be binding to all Intents and Purposes on Her Majesty and on all Persons whomsoever.

Application to Court for Declaration of Right to be deemed a Natural-born Subject.

2. Any Person being so domiciled or claiming as aforesaid may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a Natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just; and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every Decree made by the said Court shall, except as herein-after mentioned, be valid and binding, to all Intents and Purposes, upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit as Court directs.

3. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 79. and 22 & 23 Vict. c. 31. to apply to Proceedings under this Act.

4. All the Provisions of the Acts "The Probates and Letters of Administration Act (*Ireland*), 1857," and "The Court of Probate Act (*Ireland*), 1859," so far as the same may be requisite and applicable, and the Powers and Provisions therein contained, as to Practice, Procedure, and Right of Appeal, and the making and ratifying Rules and Regulations for the same, and fixing the Fees payable upon Proceedings before the Court, and in respect of the summoning and enforcing the Attendance of Juries, shall respectively extend to Applications and Proceedings under this Act, as if the same had been originally authorized by the said Acts respectively.

Power to award and enforce Payment of Costs.

5. In all Proceedings under this Act the said Court shall have full Power to award and enforce Payment of Costs to any Person cited, whether such Person shall or shall not oppose the Declaration applied for, in case such Court shall deem it reasonable that such Costs shall be paid.

6. A Copy

Attorney General to have a Copy of Petition One Month before filed, and to be a Respondent.

6. A Copy of every Petition under this Act, and of the Affidavit accompanying the same, shall One Month at least previously to the Presentation or filing of such Petition be delivered to Her Majesty's Attorney General for *Ireland*, who shall be a Respondent upon the Hearing of such Petition, and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

7. Where any Application is made under this Act to the said Court, such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act or applicable thereto, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving of Rights of Persons not cited.

8. The Decree of the said Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings, or is the Heir-at-Law or Next of Kin, or other Real or Personal Representative of, or derives Title under or through, a Person so cited or made a Party; nor shall such Decree of the Court prejudice any Person, if the same be subsequently proved to have been obtained by Fraud or Collusion.

Proceedings not to affect Judgments, &c. already pronounced.

9. No Proceeding to be had under this Act shall affect any final Judgment or Decree already pronounced or made by any Court of competent Jurisdiction.

Interpretation Clause.

10. In the Construction of this Act the Words "Person" and "Subject" shall include Parties cited as Respondents as well as Petitioners, and shall comprise all of a Class claiming or deriving in the same Right, who would as Children or Grandchildren or in their own Persons be comprehended within the Term "Issue."

20 & 21 Vict. c. 79., 22 & 23 Vict. c. 31., and this Act to be read together.

11. The said Two Acts of One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-nine, so regulating the Court of Probate in *Ireland*, and this Act, shall be construed together as One Act, and this Act may be cited for all Purposes as "The Legitimacy Declaration Act (*Ireland*), 1868."

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CAP. XXI.

An Act to provide Compensation to Officers of certain discontinued Prisons. [29th *May* 1868.]

WHEREAS by "The Prison Act, 1865," certain Prisons mentioned in the Second Schedule to the said Act are directed to be discontinued: And whereas by the Seventy-second Section of the said Act the Justices in Sessions assembled are empowered to award Compensation to any Person deprived of any Salary or Emolument by the Discontinuance of any of the said Prisons: And whereas it is expedient to extend the Power of awarding Compensation to all Cases in which Prisons are discontinued:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as The Prison Officers Compensation Act, 1868.

Construction of Act.

2. This Act shall be construed as one with The Prisons Act, 1865.

Compensation to Officers of all discontinued Prisons.

3. The Justices in Sessions assembled having Jurisdiction over any such discontinued Prison as is herein-after mentioned may allow such Compensation or Superannuation Allowance as they think fit to

to any Person who, by reason of the Discontinuance of such Prison, is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceed the Proportion of the Salary or Emolument which might be granted under similar Circumstances to a Person in the Civil Service under the Acts for regulating such Compensations or Superannuation Allowances for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of any Rates or Property applicable to the Payment of the Salaries of the Officers of such Prison before the Discontinuance thereof, subject to this Proviso, that when the Power to levy such Rates or such Property is vested in a different Body from the Justices, the Consent of such last-mentioned Body shall be obtained to the Amount of Compensation or Superannuation Allowance allowed.

"Discontinued Prison" shall for the Purposes of this Section mean any Prison other than the Prisons specified in the Second Schedule to the said Prisons Act which has ceased to be used as a Prison since the Date of the passing of the said Prisons Act, 1865, or which may hereafter cease to be used as a Prison.

As to Expression "Justices in Sessions assembled."

4. The Expression "Justices in Sessions assembled" shall in this Act mean as follows; that is to say,

1. As respects any Prison belonging to any County, except as herein-after mentioned, or to any Riding, Division, Hundred, or Liberty of a County, having a separate Court of Quarter Sessions, the Justices in Quarter Sessions assembled:
2. As respects any Prison belonging to any County divided into Ridings or Divisions, and maintained at the common Expense of such Ridings or Divisions, the Justices of the County assembled at Gaol Sessions:
3. As respects any Prison belonging to the City of *London*, or the Liberties thereof, the Court of the Lord Mayor and Aldermen:
4. As respects any Prison belonging to any Municipal Borough, the Justices of the Borough assembled at Sessions to be held by them at the usual Time of holding Quarterly Sessions of the Peace, or at such other Time as they may appoint:
5. As respects any Prison belonging to any City, District, Borough, or Town having a separate Prison Jurisdiction, and not herein-before mentioned, the Justices or other Persons having Power at Law to make Rules for the Government of such Prison.

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CAP. XXII.

An Act to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for Trial.

[29th *May* 1868.]

WHEREAS it is expedient to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for Trial:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Petty Sessions and Lock-up House Act, 1868."

Application of Act.

2. This Act shall not apply to *Scotland* or *Ireland*.

Interpretation of Terms.

3. For the Purposes of this Act,—

"Petty Sessions" shall include "Special Sessions," and "Quarter Sessions" shall include "General Sessions:"

"Borough"

"Borough" shall mean any Place for the Time being subject to an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales:

"Local Authority" shall mean,—

In any County, Parts, Liberty, or Division of a County having a separate Commission of the Peace,—the Justices in Quarter Sessions assembled;

In any Borough having a separate Commission of the Peace,—the Council of the Borough.

Power to Two or more Authorities to agree for common Sessions House.

4. Two or more Local Authorities may, with the Approval of One of Her Majesty's Principal Secretaries of State, contract that a Place for the holding of Petty Sessions by each of such Authorities shall be provided at the joint Expense of such Authorities in such Manner and Proportions as in the said Contract mentioned.

Power to Local Authority to contract for Sessions House.

5. Where any Local Authority is in possession of a convenient Building for holding Petty Sessions or for transacting Business authorized by any Act of Parliament to be performed by Justices out of Petty Sessions, any neighbouring Local Authority may contract with such former Authority for the Use, by themselves, of such Building for such Purposes or any of them, and may use the same accordingly.

Power to Local Authorities to contract for Lock-up Houses.

6. Any Local Authority may, with the Approval of One of Her Majesty's Principal Secretaries of State, contract with any neighbouring Local Authority for the Reception by such Authority into their Lock-up House, and the Custody and Maintenance therein, of any Persons who would otherwise be liable to be placed in a Lock-up House situate within the Jurisdiction of the former Authority.

Contracts may include Cost of Conveyance.

7. Any Contract entered into between any Local Authorities for the Reception into and Custody in the Lock-up House of one Authority of Persons belonging to the Jurisdiction of the other Authority may include the Costs of conveying such Persons to and from such Lock-up Houses previously to their Committal for Trial, and also the Costs of conveying them to Prison when committed for Trial.

Petty Sessions Houses and Lock-ups

8. Where any Contract has been made by any Two or more Local Authorities in pursuance of this Act in relation to any Place

Place for holding Petty Sessions, or for transacting Business to be performed by Justices out of Petty Sessions, such Place, for all Purposes of and incidental to the holding of Petty Sessions and of the Orders to be made and the other Business to be transacted thereat, shall be deemed to be within the Jurisdiction of each of such Authorities respectively, and where any Contract has been made by any Two or more Local Authorities in pursuance of this Act in relation to any Lock-up House, such Lock-up House for all Purposes of and incidental to the Power to detain therein and remand thereto, and to convey thereto and therefrom, Persons taken into Custody, and for all other Purposes of a Lock-up House, shall be deemed to be within the Jurisdiction of each of such Authorities respectively.

to be deemed to be within the Jurisdiction of contracting Local Authorities.

9. All Expenses payable by one Local Authority to another in pursuance of any Contract made in pursuance of this Act shall be raised and defrayed in the same Manner as such Expenses would have been raised and defrayed if they had been incurred for the Purposes of and in relation to the Subject Matter of such Contract by and within the Jurisdiction of the Authority that has contracted to pay the same.

Expenses how to be provided.

10. The Approval of One of Her Majesty's Principal Secretaries of State, when given to any Contract made in pursuance of this Act, shall be conclusive Evidence that such Contract is within, and has been duly made in pursuance of, the Provisions of this Act; and a Copy of the *London Gazette* purporting to contain an Announcement of any of the following Facts :—

1. That a common Lock-up House has been established for the Reception of Persons taken into Custody within any Two or more Jurisdictions, and not yet committed for Trial :
2. That a Place has in pursuance of this Act been constituted a Place for holding the Petty Sessions of particular Petty Sessional Divisions, or for transacting Business to be performed by Justices out of Petty Sessions :
3. That a Lock-up House situate in any particular Place has been partly appropriated for the Reception of Persons who would otherwise be liable to be placed in a Lock-up House situate within some other Jurisdiction :

Shall be Evidence of the Facts stated in such Announcement.

Effect of Approval of Secretary of State and Evidence of Transactions.

11. Any Local Authority may form a Committee consisting of Two or more of its Members, and may delegate to such Committee all or any Powers conferred on them by this Act, and may from Time to Time revoke or alter any Power so given to such Committee.

Power to Local Authority to form Committee of its own Members and others.

A Com-

A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting. A Committee may meet and adjourn as they think proper. Every Question at a Meeting shall be determined by a Majority of Votes of the Members present, and voting on that Question; and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

The Proceedings of a Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members, or, in case of a County, by the Termination of the Sessions by which they were appointed.

Powers under this Act to be in addition to Powers under other Acts.

12. All Powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred by any other Act of Parliament, and any such other Powers may be exercised as if this Act had not passed.

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the said Chapel: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Frampton Mansel* Marriage Act, 1868."

Validity of Marriages heretofore solemnized in Chapel of Frampton Mansel.

2. All Marriages solemnized before the passing of this Act in the said Chapel by the Officiating Minister thereof or by any other Clergyman being a duly ordained Minister of the Church of *England*, and the Publication of Banns in such Chapel by such Minister or Clergyman previous to any such Marriages, shall be and be deemed to have been as valid and effectual in the Law to all Intents as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of *Sapperton* aforesaid.

Minister officiating not liable to Censure.

3. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures or to any other Proceedings or Penalties whatsoever by reason of his having so solemnized the same respectively.

Register of such Marriages to be Evidence.

4. The Registers of the Marriages so solemnized, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively in the same Manner as Registers of Marriages in Parish Churches or Copies thereof are by Law receivable in Evidence.

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CAP. XXIV.

An Act to provide for carrying out of Capital Punishment within Prisons. [29th *May* 1868.]

WHEREAS it is expedient that Capital Punishments should be carried into effect within Prisons: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Capital Punishment Amendment Act, 1868."

Judgment of Death to be executed within Walls of Prison.

2. Judgment of Death to be executed on any Prisoner sentenced after the passing of this Act on any Indictment or Inquisition for Murder shall be carried into effect within the Walls of the Prison in which the Offender is confined at the Time of Execution.

Sheriff, &c. to be present.

3. The Sheriff charged with the Execution, and the Gaoler, Chaplain, and Surgeon of the Prison, and such other Officers of the Prison as the Sheriff requires, shall be present at the Execution.

Any Justice of the Peace for the County, Borough, or other Jurisdiction to which the Prison belongs, and such Relatives of the Prisoner or other Persons as it seems to the Sheriff or the Visiting Justices of the Prison proper to admit within the Prison for the Purpose, may also be present at the Execution.

Surgeon to certify Death; and Declaration to be signed by Sheriff, &c.

4. As soon as may be after Judgment of Death has been executed on the Offender, the Surgeon of the Prison shall examine the Body of the Offender, and shall ascertain the Fact of Death, and shall sign a Certificate thereof, and deliver the same to the Sheriff.

The Sheriff and the Gaoler and Chaplain of the Prison, and such Justices and other Persons present (if any) as the Sheriff requires or allows, shall also sign a Declaration to the Effect that Judgment of Death has been executed on the Offender.

Coroner's Inquest on Body.

5. The Coroner of the Jurisdiction to which the Prison belongs wherein Judgment of Death is executed on any Offender shall within Twenty-four Hours after the Execution hold an Inquest on the Body of the Offender, and the Jury at the Inquest shall inquire into and ascertain the Identity of the Body, and whether Judgment of Death was duly executed on the Offender; and the Inquisition shall be in duplicate, and One of the Originals shall be delivered to the Sheriff.

No Officer of the Prison or Prisoner confined therein shall in any Case be a Juror on the Inquest.

Burial of Body.

6. The Body of every Offender executed shall be buried within the Walls of the Prison within which Judgment of Death is executed on him; provided that if One of Her Majesty's Principal Secretaries of State is satisfied on the Representation of the Visiting Justices of a Prison that there is not convenient Space within the Walls thereof for the Burial of Offenders executed therein, he may, by Writing under his Hand, appoint some other fit Place for that Purpose, and the same shall be used accordingly.

Power to Secretary of State to make Rules, &c. to be observed on Execution of Judgment of Death.

7. One of Her Majesty's Principal Secretaries of State shall from Time to Time make such Rules and Regulations to be observed on the Execution of Judgment of Death in every Prison as he may from Time to Time deem expedient for the Purpose, as well of guarding against any Abuse in such Execution as also of giving greater Solemnity to the same, and of making known without the Prison Walls the Fact that such Execution is taking place.

8. All

Such Rules to be laid before Parliament.

8. All such Rules and Regulations shall be laid upon the Tables of both Houses of Parliament within Six Weeks after the making thereof, or if Parliament be not then sitting within Fourteen Days after the next Meeting thereof.

Penalty for signing false Certificate, &c.

9. If any Person knowingly and wilfully signs any false Certificate or Declaration required by this Act, he shall be guilty of a Misdemeanor, and on Conviction thereof shall be liable, at the Discretion of the Court, to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Certificate, &c. to be sent to Secretary of State, and exhibited on or near Entrance to Prison.

10. Every Certificate and Declaration and the Duplicate of the Inquisition required by this Act shall in each Case be sent with all convenient Speed by the Sheriff to One of Her Majesty's Principal Secretaries of State, and printed Copies of the same several Instruments shall as soon as possible be exhibited and shall for Twenty-four Hours at least be kept exhibited on or near the principal Entrance of the Prison within which Judgment of Death is executed.

Provisions as to Duties and Powers of Sheriff, &c. extended.

11. The Duties and Powers by this Act imposed on or vested in the Sheriff may be performed by and shall be vested in his Under Sheriff or other lawful Deputy acting in his Absence and with his Authority, and any other Officer charged in any Case with the Execution of Judgment of Death.

The Duties and Powers by this Act imposed on or vested in the Gaoler of the Prison may be performed by and shall be vested in the Deputy Gaoler (if any) acting in his Absence and with his Authority, and (if there is no Officer of the Prison called the Gaoler) by the Governor, Keeper, or other Chief Officer of the Prison and his Deputy (if any) acting as aforesaid.

The Duties and Powers by this Act imposed on or vested in the Surgeon may be performed by and shall be vested in the chief Medical Officer of the Prison (if there is no Officer of the Prison called the Surgeon).

The Duties by this Act imposed on the Chaplain may, in the event of the Absence of the Chaplain, be performed by the Assistant Chaplain or other Person acting in place of the Chaplain.

Forms in Schedule.

12. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for

for the respective Purposes in that Schedule indicated, and according to the Directions therein contained.

Modifications of Act in Scotland.

13. This Act shall apply to *Scotland*, with the Modifications following; *viz.*,

The Expression "Judgment of Death" shall mean "Sentence of Death" pronounced by any competent Court.

"Indictment" shall include "Criminal Letters."

Any Duty appointed to be performed to or by, or any Power given to, a Sheriff in *England*, shall in *Scotland* be performed to or by, or be exercised by, the Lord Provost, or Provost and other Magistrates charged with seeing the Sentence of Death carried into effect, or by any one of their Number specially named by the others for that Purpose.

The Expression "the Visiting Justices of the Prison" shall in *Scotland* mean the Members of the County Prison Board, acting under the Provisions of the Act Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and five.

In lieu of the Provisions contained in the Sixth Section hereof, the Procurator Fiscal of the Jurisdiction within which the Prison is situated wherein Sentence of Death is executed on any Offender shall within Twenty-four Hours after the Execution hold a public Inquiry before the Sheriff or Sheriff Substitute of the County on the Body of the Offender, and in particular shall inquire into and ascertain the Identity of the Body, and whether Sentence of Death was duly executed on the Offender; and the Report or Deliverance of the Sheriff or Sheriff Substitute shall be in duplicate, and One of the Originals shall be delivered to the Lord Provost or Provost, or Magistrates or Magistrate, charged with seeing the Sentence of Death carried into effect.

The Expression "a Misdemeanor" shall mean "a Crime and Offence."

The Expression "the Duplicate of the Inquisition" in the Tenth Section hereof shall mean "the Duplicate of the Report or Deliverance of the Sheriff or Sheriff Substitute."

Application of Act to Ireland.

14. In the Application of this Act to *Ireland* the Expressions "Chief Secretary to the Lord Lieutenant," and "Board of Superintendence," shall be substituted for the Expressions "One of Her Majesty's Principal Secretaries of State," and "Visiting Justices," respectively.

15. The

Saving Clause as to Legality of Execution.

15. The Omission to comply with any Provision of this Act shall not make the Execution of Judgment of Death illegal in any Case where such Execution would otherwise have been legal.

General Saving.

16. Except in so far as is hereby otherwise provided, Judgment of Death shall be carried into effect in the same Manner as if this Act had not passed.

The SCHEDULE.

Certificate of Surgeon.

I, *A.B.*, the Surgeon [*or as the Case may be*] of the [*describe Prison*], hereby certify that I this Day examined the Body of *C.D.*, on whom Judgment of Death was this Day executed in the [*describe same Prison*]; and that on that Examination I found that the said *C.D.* was dead.

Dated this Day of .

(Signed) *A.B.*

Declaration of Sheriff and others.

We, the undersigned, hereby declare that Judgment of Death was this Day executed on *C.D.* in the [*describe Prison*] in our Presence.

Dated this Day of .

(Signed) *E.F.*, Sheriff of .
L.M., Justice of the Peace for .
G.H., Gaoler of .
J.K., Chaplain of .
&c. *&c.*

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. XXV.

An Act to extend the Industrial Schools Act to *Ireland*. [29th *May* 1868.]

WHEREAS it is expedient to provide for the Establishment and Regulation of Industrial Schools in *Ireland*, and to extend to *Ireland*, with certain Modifications, "The Industrial Schools Act, 1866:" 29 & 30 Vict. c. 118.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Industrial Schools Act (*Ireland*), 1868." Short Title.

2. This Act shall extend to *Ireland* only. Application of Act.

3. In the Construction of this Act— Interpretation of Terms.

The Expression "the Chief Secretary" shall mean "the Chief "Secretary of the Lord Lieutenant of *Ireland* for the Time "being:"

The Expression "Two Justices" shall mean Two or more Justices in Petty Sessions, and the Expression "a Magistrate" shall mean "a Police Magistrate" acting in any Police Court for the *Dublin* Metropolitan Police District.

Inspector of Industrial Schools.

4. The Inspector of Reformatory Schools in *Ireland* shall be also the Inspector of Industrial Schools, and every Certified Industrial School shall from Time to Time, and at least once in each Year, be inspected by the Inspector of Industrial Schools.

Description of Industrial Schools and Managers.

5. A School in which industrial Training is provided, and in which Children are lodged, clothed, and fed, as well as taught, shall exclusively be deemed an Industrial School within the Meaning of this Act.

The Persons for the Time being having the Management or Control of such a School shall be deemed the Managers thereof for the Purposes of this Act.

Mode of certifying Industrial School.

6. The Chief Secretary may, on the Application of the Managers of an Industrial School, direct the Inspector of Industrial Schools to examine into the Condition of the School and its Fitness for the Reception of Children to be sent there under this Act, and to report to him thereon, and the Inspector shall examine and report accordingly.

If satisfied with the Report of the Inspector, the Chief Secretary may, by Writing under his Hand, certify that the School is fit for the Reception of Children to be sent there under this Act, and thereupon the School shall be deemed a Certified Industrial School.

School not to be certified as Industrial and Reformatory.

7. A School shall not be at the same Time a Certified Industrial School under this Act and a Certified Reformatory School under any other Act.

Notices of Certificate to be gazetted.

8. A Notice of the Grant of each Certificate shall within One Month be inserted by Order of the Chief Secretary in the *Dublin Gazette*.

Copy of Gazette to be Evidence.

A Copy of the Gazette containing the Notice shall be conclusive Evidence of the Grant, which may also be proved by the Certificate itself, or by an Instrument purporting to be a Copy of the Certificate, and to be attested as such by the Inspector of Industrial Schools.

Grand Jury or Council may contract with the Managers for Reception of Children in Schools.

9. It shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town, at any Assizes, and for the Town Councils of the Boroughs of *Dublin*, *Cork*, and *Limerick*, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Grand Jury or Council to enter into an Agreement with the Managers of any Industrial School, certified as aforesaid for the Reception, Maintenance, and keeping in such Industrial School from Time to Time of such Children as are ordered by Justices or a Magistrate to be sent there from such County or Borough, in consideration of such periodical Payments

as

as may be agreed upon with such Managers; and such Grand Jury or Council shall present the Payments of the Money which may from Time to Time become payable under such Agreement.

Monies granted under this Act how to be raised.

10. All Monies presented to be raised and paid for the Reception, Maintenance, and keeping of such Children in such Industrial School shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County, or by the Council of such Borough as aforesaid respectively, for defraying the ordinary current Expenditure of their several Gaols.

As to Children under Fourteen Years of Age found begging, &c.

11. Any Person may bring before Two Justices or a Magistrate any Child apparently under the Age of Fourteen Years that comes within any of the following Descriptions; namely,

That is found begging or receiving Alms (whether actually or under the Pretext of selling or offering for Sale anything), or being in any Street or public Place for the Purpose of so begging or receiving Alms;

That is found wandering and not having any Home or settled Place of Abode, or proper Guardianship, or visible Means of Subsistence;

That is found destitute, either being an Orphan or having a surviving Parent who is undergoing Penal Servitude or Imprisonment;

That frequents the Company of reputed Thieves.

The Justices or Magistrate before whom a Child is brought as coming within One of those Descriptions, if satisfied on Inquiry of that Fact, and that it is expedient to deal with him under this Act, may order him to be sent to a Certified Industrial School.

Temporary Detention in Workhouse, &c.

12. Two Justices or a Magistrate, while Inquiry is being made respecting a Child or respecting a School to which he may be sent, may, by Order signed by them or him, order the Child to be taken to the Workhouse or Poorshouse of the Union, Parish, or Combination in which he is found or resident, and to be detained therein at the Cost of the Union, Parish, or Combination for any Time not exceeding Seven Days, or until an Order is sooner made for his Discharge or for his being sent to a Certified Industrial School; and the Guardians of the Poor for the Union or Parish, or the Keeper of the Poorshouse, or other Person to whom the Order is addressed, are and is hereby empowered and required to detain him accordingly.

As to Children under 12 Years

13. Where a Child, apparently under the Age of Twelve Years, is charged before Two or more Justices in Petty Sessions, or a Police

of Age charged with Offences.

Police Magistrate acting in any Police Court for the *Dublin* Metropolitan Police District, with an Offence punishable by Imprisonment or a less Punishment, but has not been convicted of Felony, and the Child ought, in the Opinion of the said Justices or Magistrate, (regard being had to his Age and to the Circumstances of the Case,) to be dealt with under this Act, the said Justices or Magistrate may order him to be sent to a Certified Industrial School.

Form and Contents of Order sending Child to School.

14. The Order of Justices or a Magistrate sending a Child to a School (in this Act referred to as the Order of Detention in a School) shall be in Writing, signed by the Justices or Magistrate, and shall specify the Name of the School.

The School shall be some Certified Industrial School (whether situate within the Jurisdiction of the Justices or Magistrate making the Order or not) the Managers of which are willing to receive the Child, and the Reception of the Child by the Managers of the School shall be deemed to be an Undertaking by them to teach, train, clothe, lodge, and feed him during the whole Period for which he is liable to be detained in the School, or until the Withdrawal or Resignation of the Certificate of the School takes effect, or until the Contribution out of Money provided by Parliament towards the Custody and Maintenance of the Children detained in the School is discontinued, whichever shall first happen.

The School named in the Order shall be presumed to be a Certified Industrial School until the contrary is shown.

The Order shall specify the Time for which the Child is to be detained in the School, being such Time as to the Justices or Magistrate seems proper for the teaching and training of the Child, but not in any Case extending beyond the Time when the Child will attain the Age of Sixteen Years: Provided always, that no Child shall be sent to any such Industrial School except to some One Industrial School under the exclusive Management of Persons of the same Religious Persuasion as that professed by the Parents, or, should that be unknown, by the Guardians of such Child, and in all Cases in which the Religion of the Parents and Guardians of such Child is unknown the said Child shall be considered as belonging to that Religious Persuasion in which he shall appear to have been baptized, or, that not appearing, to which he shall profess to belong.

Power to Parent, &c. to apply to remove Child to a School

15. If the Parent, Step-parent, or Guardian, or if there be no Parent, Step-parent, or Guardian, then the God-parent or nearest adult Relative of a Child sent or about to be sent to a Certified Industrial School which is not conducted in accordance with the Religious

Religious Persuasion to which the Child belongs, states to the Justices or Magistrate by whom the Order of Detention has been or is about to be made (or to Two Justices or a Magistrate having like Jurisdiction) that he objects to the Child being sent to or detained in the School specified or about to be specified in the Order, and names another Certified Industrial School in *Ireland* which is conducted in accordance with the Religious Persuasion to which the Child belongs, and signifies his Desire that the Child be sent thereto, then and in every such Case the Justices or Magistrate shall, upon Proof of such Child's Religious Persuasion, comply with the Request of the Applicant; provided— conducted in accordance with Child's Religious Persuasion.

First, that the Application be made before the Child has been sent to a Certified Industrial School, or within Thirty Days after his Arrival at such School; and,

Secondly, that the Applicant show, to the Satisfaction of the Justices or Magistrate, that the Managers of the School named by him are willing to receive the Child.

16. The Order of Detention in a School shall be forwarded to the Managers of the School with the Child, and shall be a sufficient Warrant for the Conveyance of the Child thither, and his Detention there. Order to be Warrant for Conveyance and Detention.

17. The Expense of conveying to a Certified Industrial School a Child ordered to be sent there shall be defrayed by the Police Authorities by whom he is conveyed, and shall be deemed Part of the current Expenses of those Police Authorities. Expenses of Conveyance to School.

18. An Instrument purporting to be an Order of Detention in a School, and to be signed by Two Justices or a Magistrate, or purporting to be a Copy of such an Order, and to be certified as such a Copy by the Clerk to the Justices or Magistrate by whom the Order was made, shall be Evidence of the Order. Evidence of Order of Detention.

19. A Minister of the Religious Persuasion specified in the Order of Detention as that to which the Child appears to the Justices or Magistrate to belong may visit the Child at the School on such Days and at such Times as are from Time to Time fixed by Regulations made by the Chief Secretary, for the Purpose of instructing him in Religion. Religious Instruction in School.

20. The Managers of a School may permit a Child sent there under this Act to lodge at the Dwelling of his Parent or of any trustworthy and respectable Person, so that the Managers teach, train, clothe, and feed the Child in the School as if he were lodging Lodging Child out of School.

in the School itself, and so that they report to the Chief Secretary, in such Manner as he thinks fit to require, every Instance in which they exercise a Discretion under this Section.

Power to grant Licences for permitting Children to live out of School.

21. The Managers of a School may, at any Time after the Expiration of Eighteen Months of the Period of Detention allotted to a Child, by Licence under their Hands, permit him to live with any trustworthy and respectable Person named in the Licence, and willing to receive and take charge of him.

Any Licence so granted shall not be in force for more than Three Months, but may at any Time before the Expiration of those Three Months be renewed for a further Period not exceeding Three Months, to commence from the Expiration of the previous Period of Three Months, and so from Time to Time until the Period of the Child's Detention is expired.

Any such Licence may also be revoked at any Time by the Managers of the School by Writing under their Hands, and thereupon the Child to whom the Licence related may be required by them, by Writing under their Hands, to return to the School.

The Time during which a Child is absent from a School in pursuance of a Licence shall, except where such Licence has been forfeited by his Misconduct, be deemed to be Part of the Time of his Detention in the School, and at the Expiration of the Time allowed by the Licence he shall be taken back to the School.

A Child escaping from the Person with whom he is placed under a Licence, or refusing to return to the School on the Revocation of his Licence, or at the Expiration of the Time allowed thereby, shall be deemed to have escaped from the School.

Power to apprentice Child.

22. The Managers of a School may, at any Time after a Child has been placed out on Licence as aforesaid, if he conducted himself well during his Absence from the School, bind him, with his own Consent, Apprentice to any Trade, Calling, or Service, notwithstanding that his Period of Detention has not expired, and every such Binding shall be valid and effectual to all Intents.

Rules of School to be approved by the Chief Secretary.

23. The Managers of a Certified Industrial School may from Time to Time make Rules for the Management and Discipline of the School, not being inconsistent with the Provisions of this Act; but those Rules shall not be enforced until they have been approved in Writing by the Chief Secretary; and Rules so approved shall not be altered without the like Approval.

A printed Copy of Rules purporting to be the Rules of a School so approved, and to be signed by the Inspector of Industrial Schools, shall be Evidence of the Rules of the School.

24. A Cer-

Evidence as to Reception in School, &c.

24. A Certificate purporting to be signed by One of the Managers of a Certified Industrial School or their Secretary, or by the Superintendent or other Person in charge of the School, to the effect that the Child therein named was duly received into and is at the signing thereof detained in the School, or has been duly discharged or removed therefrom, or otherwise disposed of according to Law, shall be Evidence of the Matters therein stated.

Penalty on Child for Refusal to conform to Rules.

25. If a Child sent to a Certified Industrial School, and while liable to be detained there, being apparently above Ten Years of Age, and whether lodging in the School itself or not, wilfully neglects or wilfully refuses to conform to the Rules of the School, he shall be guilty of an Offence against this Act, and on summary Conviction thereof before Two Justices in Petty Sessions, or a Police Magistrate acting in any Police Court for the *Dublin* Metropolitan Police District, shall be liable to be imprisoned, with or without Hard Labour, for any Term not less than Fourteen Days and not exceeding Three Months, and the said Justices or said Police Magistrate before whom he is convicted may direct him to be sent, at the Expiration of the Term of his Imprisonment, to a Certified Reformatory School, and to be there detained, subject and according to the Provisions of a Statute passed in the Twenty-first and Twenty-second Years of Her Majesty, entitled *An Act to promote and regulate Reformatory Schools in* Ireland.

Penalty on Child escaping from School.

26. If a Child sent to a Certified Industrial School, and while liable to be detained there, and whether lodging in the School itself or not, escapes from the School, or neglects to attend thereat, he shall be guilty of an Offence against this Act, and may at any Time before the Expiration of his Period of Detention be apprehended without Warrant, and may (any other Act to the contrary notwithstanding) be then brought before a Justice or a Police Magistrate having Jurisdiction in the Place or District where he is found, or in the Place or District where the School from which he escaped is situate, and he shall thereupon be liable, on summary Conviction before such a Justice or Police Magistrate, to be, by and at the Expense of the Managers of the School, brought back to the same School, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his committing the Offence.

If the Child charged with such an Offence is apparently above Ten Years of Age, then, on his summary Conviction of the Offence before Two such Justices or such a Police Magistrate, he shall be liable, at the Discretion of the Justices or Police Magistrate, instead of being sent back to the same School, to be imprisoned, with or without

without Hard Labour, for any Term not less than Fourteen Days, and not exceeding Three Months; and the Justices or Police Magistrate before whom he is convicted may direct him to be sent at the Expiration of the Term of his Imprisonment to a Certified Reformatory School, and to be there detained subject and according to the Provisions of a Statute passed in the Twenty-first and Twenty-second Years of Her Majesty, entitled *An Act to promote and regulate Reformatory Schools in* Ireland.

Penalty on Persons inducing Offenders to escape from Certified Industrial Schools.

27. If any Person does any of the following Things, (that is to say,)

First, knowingly assists, directly or indirectly, a Child liable to be detained in a Certified Industrial School to escape from the School;

Second, directly or indirectly induces such a Child so to escape;

Third, knowingly harbours or conceals a Child who has so escaped, or prevents him from returning to School, or knowingly assists in so doing;

Every such Person shall be guilty of an Offence against this Act, and shall, on summary Conviction thereof before Two Justices or a Magistrate, be liable to a Penalty not exceeding Twenty Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Power to Treasury to contribute towards Custody, &c. of Children detained.

28. The Commissioners of Her Majesty's Treasury may from Time to Time contribute, out of Money provided by Parliament for the Purpose, such Sums as the Secretary of State from Time to Time thinks fit to recommend towards the Custody and Maintenance of Children detained in Certified Industrial Schools.

Contribution by Parent, &c.

29. The Parent, Step-parent, or other Person for the Time being legally liable to maintain a Child detained in a Certified Industrial School shall, if of sufficient Ability, contribute to his Maintenance and Training therein a Sum not exceeding Five Shillings *per* Week.

Order for Enforcement of Contribution by Parent, &c.

30. On the Complaint of the Inspector of Industrial Schools, or of any Agent of the Inspector, or of any Constable under the Directions of the Inspector (with which Directions every Constable is hereby required to comply), at any Time during the Detention of a Child in a Certified Industrial School, Two Justices or a Magistrate having Jurisdiction at the Place where the Parent, Step-parent, or other Person liable as aforesaid resides may, on Summons to the Parent, Step-parent, or other Person liable as aforesaid, examine into his Ability to maintain the Child, and may, if they or he think fit, make an Order or Decree on him for the Payment to the Inspector

Inspector or his Agent of such weekly Sum, not exceeding Five Shillings *per* Week, as to them or him seems reasonable, during the whole or any Part of the Time for which the Child is liable to be detained in the School.

Every such Order or Decree may specify the Time during which the Payment is to be made, or may direct the Payment to be made until further Order.

Every such Payment or a proper proportionate Part thereof shall go in relief of the Charges on Her Majesty's Treasury, and the same shall be accounted for as the Commissioners of Her Majesty's Treasury direct, and where the Amount of the Payment ordered in respect of any Child exceeds the Amount contributed by the Commissioners of Her Majesty's Treasury in respect of that Child, the Balance shall be accounted for and paid to the Managers of the School.

The Chief Secretary may, in his Discretion, remit wholly or partially any Payment so ordered.

Two Justices or a Magistrate having Jurisdiction to make such an Order or Decree may from Time to Time vary any such Order or Decree as Circumstances require, on the Application either of the Person on whom such Order or Decree is made, or of the Inspector of Industrial Schools or his Agent, on Fourteen Days Notice being first given of such Application to the Inspector or Agent, or to such Person respectively.

Detention to cease on Child attaining Sixteen.

31. A Person who has attained the Age of Sixteen Years shall not be detained in a Certified Industrial School, except with his own Consent in Writing.

Power to Chief Secretary to order Child to be transferred to another School.

32. It shall and may be lawful for the Chief Secretary to order a Child to be transferred from one Certified Industrial School to another: Provided that such Removal shall not increase the whole Period of such Child's Detention in an Industrial School, and that the Removal shall only be to some Industrial School under the Management of Persons of the same Religious Persuasion as that to which he might have been originally committed.

The Commissioners of Her Majesty's Treasury may pay, out of Money provided by Parliament for the Purpose, such Sums as the Chief Secretary thinks fit to recommend in discharge of the Expenses of the Removal of any Child transferred under the Provisions of this Act.

Power to Chief Secretary to order Discharge of Child.

33. The Chief Secretary may at any Time order any Child to be discharged from a Certified Industrial School or from any Industrial School established under any other Act of Parliament, the

general Rules for the Government whereof have been approved by the said Chief Secretary, either absolutely or on such Condition as the said Chief Secretary approves, and the Child shall be discharged accordingly.

Power for Chief Secretary to withdraw Certificate.

34. The Chief Secretary, if dissatisfied with the Condition of a Certified Industrial School, may at any Time, by Notice under his Hand addressed to and served on the Managers thereof, declare that the Certificate of the School is withdrawn as from a Time specified in the Notice, not being less than Six Months after the Date thereof; and at that Time the Certificate shall be deemed to be withdrawn accordingly, and the School shall thereupon cease to be a Certified Industrial School.

Resignation of Certificate by Managers.

35. The Managers or the Executors or Administrators of a deceased Manager (if only One) of a Certified Industrial School may give Notice in Writing to the Chief Secretary of their Intention to resign the Certificate of that School, and at the Expiration in the Case of Managers of Six Months, and in the Case of Executors or Administrators of One Month, from the Receipt of that Notice by the said Chief Secretary, (unless before that Time the Notice is withdrawn,) the Certificate shall be deemed to be resigned accordingly, and the School shall thereupon cease to be a Certified Industrial School.

Withdrawal, &c. of Certificate to be inserted in the Gazette.

36. A Notice of the Withdrawal or Resignation of the Certificate of a Certified Industrial School shall within One Month be inserted by Order of the Chief Secretary in the "*Dublin Gazette*."

A Copy of the "*Dublin Gazette*" containing such Notice shall be conclusive Evidence of such Withdrawal or Resignation.

A Certificate shall be presumed to be in force until the Withdrawal or Resignation thereof is proved.

Cesser of Reception of Children on Notice, &c.

37. Where Notice is given of the Withdrawal or Resignation of the Certificate of a Certified Industrial School, no Child shall be received into the School for Detention under this Act after the Receipt by the Managers of the School of the Notice of Withdrawal, or after the Date of the Notice of Resignation, as the Case may be; but the Obligation of the Managers to teach, train, clothe, lodge, and feed any Children detained in the School at the Time of such Receipt or at the Date of such Notice shall, except as far as the Chief Secretary otherwise directs, be deemed to continue until the Withdrawal or Resignation of the Certificate takes effect, or until the Contribution out of Money provided by Parliament towards the Custody and Maintenance of the Children detained in the School is discontinued, whichever shall first happen.

38. Where

Discharge of Children detained, &c.

38. Where a School ceases to be a Certified Industrial School the Children detained therein shall be either discharged or transferred to some other Certified Industrial School by Order of the Chief Secretary.

Use of Forms in Schedule.

39. No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Forms in the Schedule to this Act annexed, or Forms to the like Effect, may be used in the Cases to which they refer, with such Variations as Circumstances require, and when used shall be deemed sufficient.

Service of Notices on Managers.

40. Any Notice may be served on the Managers of a Certified Industrial School by being delivered to any One of them personally, or by being sent by Post or otherwise in a Letter addressed to them or any of them at the School, or at the usual or last known Place of Abode of any of the Managers, or of their Secretary.

Provisions of 14 & 15 Vict. c. 93. to apply.

41. The Petty Sessions (*Ireland*) Act, 1851, shall apply to all Offences, Payments, and Orders in respect of which Jurisdiction is given to Justices or a Police Magistrate by this Act, or which are by this Act directed to be prosecuted, enforced, or made in a summary Manner or on summary Conviction.

The SCHEDULE.

FORMS.

(A.)

Order sending Child to Industrial School.

to wit. } Be it remembered, That on the Day of , in pursuance of The Industrial Schools Act (Ireland), 1868, we, Two of Her Majesty's Justices of the Peace† for the said [County] of , do order that *A.B.* of (whose Religious Persuasion, as ascertained by Provision in Section 15. of the said Act, is), being a Child subject to the Provisions of Section of the said Act, be sent to the Certified Industrial School at , and that he be detained there during .

(Signed) *L.M.*
N.O.

(C.)

Complaint for enforcing Contribution from Parent, &c.

to wit. } The Complaint of the Inspector of Industrial Schools [*or as the Case may be*] made to us,‡ the undersigned, Two of Her Majesty's Justices of the Peace for the said County of , this Day of at in the same County, who says, that one *A.B.* of (*) the Age of Years or thereabouts is now detained in the Industrial School at in the County of , under The Industrial Schools (Ireland) Act, 1868, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County of is the Parent [*or* Step-parent, *&c.*] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son: (*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

C.D.

Exhibited before us,
(Signed) *J.S.*
L.M.

† Or in Dublin, "I, Police Magistrate of the Dublin Metropolitan Police District."

‡ Or in Dublin, "to me, a Police Magistrate of the Dublin Metropolitan Police District."

(D.)

Summons to the Parent.

To *C.B.* of [Labourer].

WHEREAS Information hath this Day been laid [*or* Complaint hath this Day been made] before the undersigned [One, *or as the Case may be*] of Her Majesty's Justices of the Peace in and for the said [County] of for that you [*here state shortly the Matter of the Information or Complaint*]: These are therefore to command you in Her Majesty's Name to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said County [*or as the Case may be*] as may then be there, to answer the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my [*or* our] Hand and Seal, this Day of in the Year of our Lord at in the [County] aforesaid.

(E.)

Order on Parent, &c. to contribute a Weekly Sum.

to wit. } BE it remembered, That on this Day of at in the said [County] of a certain Complaint of the Inspector of Industrial Schools [*or as the Case may be*], for that one *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (C.) *between the Asterisks* (*) (*)] was duly heard by and before us, the undersigned, Two of† Her Majesty's Justices of the Peace in and for the said [County] of (in the Presence and Hearing of the said *C.B.*, *if so*, *or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said Inspector [*or* to an Agent of the said Inspector] the Sum of Shillings per Week from the Date of this Order until Day of , the same to be paid at the Expiration of each [Fourteen, *or as the Case may be*, Days].

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [County] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

† Or in Dublin, "One of the Police Magistrates of the Dublin Metropolitan Police District."

(F.)

Distress Warrant for Amount in arrear.

} To the Head or other Constable of , and to all
to wit. } other Peace Officers in the said [County] of

WHEREAS on the Hearing of a Complaint made by the Inspector of Industrial Schools [*or as the Case may be*], that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (C.) *between the Asterisks* (*) (*), an Order was made on the Day of by us, the undersigned [*or* by *L.M.* and *J.H.*], Two † of Her Majesty's Justices of the Peace in and for the said [County] of against the said *C.B.*, to pay to the said Inspector [*or as the Case may be*] the Sum of per Week from the Date of the said Order until the Day of , the same to be paid at the Expiration of each [Twenty-eight] Days [*or as the Case may be*] (*): And whereas there is due upon the said Order the Sum of being for [Three] Periods of [Fourteen] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.B.*, and if within the Space of [Five] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, is not paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the of that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if no such Distress can be found, then that you certify the same to us, to the end that such Proceedings may be had therein as the Law requires.

Given under our Hands and Seals, this Day of at in the [County] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

† Or in Dublin, "One of the Police Magistrates of the Dublin Metropolitan Police District."

(G.)

Commitment in default of Distress.

to wit. } To the Head or other Constable of and to the Keeper of the [*Prison*] at in the said [County] of .

WHEREAS [*&c., as in the Form* (F.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards on the Day of last I, the undersigned, together with *L.M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] Two † of Her Majesty's Justices of the Peace in and for the said [County] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, being for [Three] Periods of [Fourteen] Days, by Distress and Sale of the Goods and Chattels of the said *C.B.*: And whereas a Return has this Day been made to me the said Justice [*or* the undersigned, One of Her Majesty's Justices of the Peace in and for the said [County] of] that no sufficient Goods of the said *C.B.* can be found:

These are therefore to command you the said Head Constable of to take the said *C.B.*, and him safely to convey to the [Prison] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And I do hereby command you the said Keeper of the said [Prison] to receive the said *C.D.* into your Custody in the said [Prison], there to imprison him for the Term of , unless the said Sum, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said [Prison], amounting to the further Sum of , shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [County] aforesaid.

J.S. (L.S.)

† Or in Dublin, "One of the Police Magistrates of the Dublin Metropolitan Police District."

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ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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of State in Council of *India*, Debenture Stock in lieu of Borrowing or in Substitution for, or for the Discharge of, Mortgages or Bonds:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to each Company to create and issue Debenture Stock, with the Sanction of the Secretary of State in Council of India.

1. Each of the said Companies may from Time to Time, with the Sanction of the Secretary of State in Council of *India*, and of Three Fifths of the Votes of its Shareholders and Stockholders entitled to vote in that Behalf at Meetings of the Company, present in Person or by Proxy at any Extraordinary Meeting convened with Notice of this Purpose, raise all or any Part of the Money which for the Time being the Company has raised or is authorized to raise on Mortgage or Bond by the Creation and Issue at such Times, in such Amounts and Manner, on such Terms, at such Price, subject to such Conditions, and with such Rights and Privileges, as the Secretary of State in Council of *India* shall think fit, of Stock to be called Debenture Stock, instead of and to the same Amount as the whole or any Part of the Money which may for the Time being be owing by the Company on Mortgage or Bond, or which the Company may from Time to Time have Power to raise on Mortgage or Bond, and may, with such Sanction of its Shareholders and Stockholders as aforesaid, attach to the Stock so created such fixed and perpetual irredeemable, redeemable, variable, or other Interest at such Rate, payable half-yearly or otherwise, and commencing at once or at any future Time or Times, when and as the Debenture Stock shall be issued or otherwise, as the Secretary of State in Council of *India* shall think fit.

The following Provisions to apply to Debenture Stock.

2. All the Provisions following shall apply to every Case of One of the said Companies exercising the Power herein-before given for raising Money by the Creation and Issue of Debenture Stock; (that is to say,)

Debenture Stock to be a prior Charge.

1. The Debenture Stock, with the Interest thereon, shall be a Charge upon the Undertaking of the Company prior to all other Stock or Shares of the Company, and shall be transmissible and transferable in the same Manner and according to the same Regulations and Provisions as other Stock of the Company, and shall in all other respects have the Incidents of Personal Estate.

Interest on Debenture Stock to be a primary Charge.

2. The Interest on Debenture Stock shall have Priority of Payment over all Dividends or Interest on any other Stock or Shares of the Company, and shall rank next to the Interest payable on the Mortgages or Bonds for the Time being of the Company legally granted before the Creation of such Stock, but the Holders

Holders of Debenture Stock shall not as among themselves be entitled to any Preference or Priority.

Debenture Stock to be registered.

3. The Company shall cause Entries of the Debenture Stock from Time to Time created to be made in a Register to be kept for that Purpose, wherein they shall enter the Names and Addresses of the several Persons and Corporations from Time to Time entitled to the Debenture Stock, with the respective Amounts of the Stock to which they are respectively entitled, and any Instalments by which the Price or Subscription for any Debenture Stock may be made payable shall be recoverable as Calls are recoverable under "The Companies Clauses Consolidation Act, 1845."

Company to declare Certificate to Holders of Debenture Stock.

4. The Company shall deliver to every Holder of Debenture Stock a Certificate stating the Amount of Debenture held by him, and all Regulations or Provisions for the Time being applicable to Certificates of Shares in the Capital of the Company shall apply, *mutatis mutandis*, to Certificates of Debenture Stock.

Mortgagees not to be affected by this Act.

5. Nothing herein contained shall in any way affect any Mortgage or Bond at any Time legally granted by the Company before the Creation of such Stock, or any Power of the Company to raise Money on Mortgage or Bond, so far as such Power is not by this Act expressly extinguished; but the Holders of all such Mortgages and Bonds shall, during the Continuance thereof, respectively be entitled to the same Priorities, Rights, and Privileges in all respects as they would have been entitled to if this Act had not been passed.

Holders of Debenture Stock not to vote.

6. The Debenture Stock shall not entitle the Holders thereof to be present or vote at any Meeting of the Company, or confer any Qualification with reference to the Government thereof, but shall in all respects, not otherwise by this Act provided for, be considered as entitling the Holders to the Rights and Powers of Mortgagees of the Undertaking other than the Right to require Repayment of the Principal Money paid up in respect of the Debenture Stock: Provided always, that if on the Issue of any such Stock the Company shall have agreed to repay the Principal Money at a fixed Time, the Holders thereof shall be entitled to be repaid their Principal Money at such fixed Time.

Application of Money raised.

7. The Money raised by Debenture Stock shall be applied exclusively either in paying off Money due by the Company on Mortgage or Bond, or else for the Purposes to which the same Money would be applicable if it were raised on Mortgage or Bond instead of on Debenture Stock; provided

provided always, that the Receipt, Disposal, and Application of all Monies raised by the Debenture Stock shall be at all Times and in all respects subject to the Supervision, Direction, and Control of the Secretary of State in Council of *India*.

Separate Accounts to be kept of Debenture Stock.

8. Separate and distinct Accounts shall be kept by the Company showing how much Money has been received for or on account of Debenture Stock, and how much Money borrowed or owing on Mortgage or Bond for which they have Power so to borrow has been paid off by Debenture Stock or raised thereby instead of being borrowed on Mortgage or Bond.

Borrowing Powers extinguished.

9. The Powers of borrowing and reborrowing by the Company shall, to the Extent of the nominal Amount of the Debenture Stock for the Time being issued, be extinguished.

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Times, but not later than the Thirty-first Day of *March* One thousand eight hundred and sixty-nine, to cause any Number of Exchequer Bonds to be made out at the Bank of *England* for any Sum or Sums of Money not exceeding in the whole the Sum of One million six hundred thousand Pounds, and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding Four Pounds *per Centum per Annum*, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Five Years in respect of Six hundred thousand Pounds, Part of the said Sum of One million six hundred thousand Pounds, and Twelve Months in respect of the Sum of One million Pounds, from the Date of such Bonds respectively.

Interest on Bonds, and Repayment of Principal Money.

2. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Money as shall be provided by Parliament in that Behalf.

Treasury may cause Exchequer Bonds to be prepared and issued according to Provisions of 29 & 30 Vict. c. 25.

3. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Coupons for the Interest becoming due from Time to Time thereon, in such Form and under such Regulations as the said Commissioners may think most safe and convenient, and according to the Provisions, so far as they relate to Exchequer Bonds, of an Act of the Twenty-ninth Year of Her Majesty, Chapter Twenty-five, intituled *An Act to consolidate and amend the several Laws regulating the Preparation, Issue, and Payment of Exchequer Bills and Bonds.*

Persons forging Exchequer Bonds, &c. guilty of Felony.

4. If any Person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer Bond issued under this Act, or any Coupon for Interest accruing thereon, such Person shall be guilty of Felony, and upon being lawfully convicted thereof shall suffer accordingly.

Money raised to be paid to the Consolidated Fund.

5. All such Sums of Money as shall be raised by Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England*, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

6. The

Exchequer Bonds (£1,600,000).

6. The Governor and Company of the Bank of *England* may advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of One million six hundred thousand Pounds (anything in any Act to the contrary notwithstanding); and the Commissioners for the Reduction of the National Debt may invest, in the Purchase of Exchequer Bonds issued under the Authority of this Act, any Money in their Hands on account of Savings Banks, or Post Office Savings Banks.

Bank of England may advance 1,600,000*l.* on the Credit of Bonds, and National Debt Commissioners may purchase Bonds with Savings Banks Money.

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Provisions of former Acts to apply to this Act.

2. All the Powers, Provisions, Allowances, Exemptions, Forfeitures, and Penalties contained in or imposed by any Act or Acts, or any Schedule thereto, relating to Customs Duties, and in force at the Time of the passing of this Act, and relating to the Duties of Income Tax, and in force on the Fifth Day of *April* One thousand eight hundred and sixty-eight, shall respectively be in full Force and Effect with respect to the said Duties granted by this Act, so far as the same are applicable, and shall be observed, applied, allowed, enforced, and put in execution for, and in the raising, levying, collecting, and securing of the said Duties, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein expressly enacted with reference to the said Duties respectively; and for the Purposes of this Act the Year One thousand eight hundred and sixty-two mentioned in the Forty-third Section of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-eight.

The Sums assessed to the Income Tax under Schedules (A.) and (B.) for the Year 1867 to be taken as the annual Value for Assessment under this Act.

3. The Sum charged as the annual Value or Amount of any Property, Profits, or Gains in the several and respective Assessments of Income Tax made in pursuance of the Act passed in the Thirtieth Year of Her Majesty's Reign, Chapter Twenty-three, under Schedules (A.) and (B.) respectively of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-eight, shall (except in Cases for which other Provision is made by the Acts relating to Income Tax) be taken as the annual Value or Amount of such Property, Profits, or Gains respectively for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-eight, and the Duties of Income Tax granted by this Act, and chargeable under the said Schedules respectively, shall be computed, assessed, and charged according to such annual Value or Amount, and the Commissioners executing the Income Tax Acts shall, for each Place within their several and respective Districts, cause Duplicates of the Assessments of the said Duties so computed, assessed, and charged under the said Schedules (A.) and (B.) for the said last-mentioned Year to be made out and delivered together with Warrants for collecting the same; and in *England* the said Commissioners shall appoint such Persons, being Inhabitants of the Place to which the Duplicate shall relate, as they the said Commissioners shall think fit, to be Collectors of the Duties thereby charged, in like Manner as if such Persons had been presented to them by Assessors under

under the Acts now in force: Provided always, that the said Assessments shall be subject to be increased in like Manner as the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-eight, and subject also to be abated or discharged at the End of the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-eight for any Cause allowed by the said Acts; provided that whenever it shall appear that any Property, Profits, or Gains chargeable under the said Schedules (A.) and (B.) respectively have not been charged by the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-eight, such Property, Profits, and Gains shall be assessed to the Duties of Income Tax granted by this Act under the Provisions of the said several Acts applicable thereto.

Assessors not to be appointed for Duties under Schedules (A.) and (B.)

4. No Assessors shall be appointed for the Duties payable under the said Schedules (A.) and (B.), but the Inspectors or Surveyors of Taxes shall act as Assessors in respect of such Duties whenever it shall be necessary; and in lieu of the Poundage granted by the One hundred and eighty-third Section of the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, to be divided between the Assessors and Collectors in regard to the Duties which shall be collected under the said Schedules (A.) and (B.), there shall be paid a Poundage of Three Halfpence to the Collectors of the said Duties.

The Provision made for assessing the Income Tax on the Interest and Dividends payable in the United Kingdom arising out of Foreign Companies extended to Annuities, Pensions, &c. payable out of Funds in India.

5. The Provisions contained in Section Ten of the said Act of the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, with reference to the assessing and charging the Income Tax on Interest, Dividends, or other annual Payments payable out of or in respect of the Stocks, Funds, or Shares of any Foreign Company, Society, Adventure, or Concern, shall be and the same are hereby extended and shall be applied to the assessing and charging of the Income Tax on all Annuities, Pensions, or other annual Sums payable out of the Funds of any Institution in *India*, which said Annuities, Pensions, or annual Sums have been or shall be intrusted to any Person in the United Kingdom for Payment to any Persons resident in the United Kingdom.

SCHEDULES.

SCHEDULE (A.)

CONTAINING THE DUTIES OF CUSTOMS GRANTED BY THIS ACT.

The Duties of Customs now charged on Tea shall continue to be levied and charged,

On and after the First Day of August One thousand eight hundred and sixty-eight until the First Day of August One thousand eight hundred and sixty-nine, on the Importation thereof into Great Britain and Ireland; that is to say,

		£	*s.*	*d.*
Tea - - -	the lb.	0	0	6

SCHEDULE (B.)

CONTAINING THE DUTIES OF INCOME TAX GRANTED BY THIS ACT.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-eight, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Duties shall be charged; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Duty of Sixpence.

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof:

In England, the Duty of Threepence.

And in Scotland and Ireland respectively, the Duty of Twopence Farthing.

Subject to the Provisions contained in Section Three of the Act Twenty-sixth Victoria, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under One hundred Pounds a Year, and Relief of those whose Income is under Two hundred Pounds a Year.

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Interpretation of Act.

2. The Term "Colony" shall in this Act include all of Her Majesty's Possessions abroad in which there shall exist a Legislature as herein-after defined, except the *Channel Islands* and the *Isle of Man*.

The Term "Colonial Legislature" shall signify the Authority other than the Imperial Parliament or Her Majesty in Council competent to make Laws for any Colony.

Power to Colonial Legislatures to enforce Registration of Persons registered under "The Medical Act."

3. Every Colonial Legislature shall have full Power from Time to Time to make Laws for the Purpose of enforcing the Registration within its Jurisdiction of Persons who have been registered under "The Medical Act," anything in the said Act to the contrary notwithstanding: Provided, however, that any Person who has been duly registered under "The Medical Act" shall be entitled to be registered in any Colony, upon Payment of the Fees (if any) required for such Registration, and upon Proof, in such Manner as the said Colonial Legislature shall direct, of his Registration under the said Act.

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CAP. XXX.

An Act to amend the Act of the Seventh and Eighth Years of the Reign of *Victoria*, Chapter Forty-four, relating to the Formation of *quoad sacra* Parishes in *Scotland*, and to repeal the Act of the Twenty-ninth and Thirtieth Years of the Reign of *Victoria*, Chapter Seventy-seven.

[29th *May* 1868.]

WHEREAS by the Act of the Seventh and Eighth *Victoria*, Chapter Forty-four, intituled *An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called Scotland*, Provision is made (by Section Eight), in the Case of a Church built or acquired, or undertaken to be built or acquired and endowed, or undertaken to be endowed, by any Person or Persons, at his, her, or their Expense, for the Erection of such Church and a District to be attached thereto *quoad sacra* into a Church and Parish in connexion with the Church of *Scotland*: 7 & 8 Vict. c. 44.

And whereas there are in *Scotland* United Parishes in which there are already Two or more Parish Churches maintained:

And

United Parishes (Scotland).

And whereas in such United Parishes an Increase of Population or other Change of Circumstances may take place, rendering it expedient, under the Provisions of the said Act, to apply for Disjunction from such United Parishes, and Erection into a Parish *quoad sacra*, of a District thereof:

29 & 30 Vict. c. 77.

And whereas by the Act of the Twenty-ninth and Thirtieth *Victoria*, Chapter Seventy-seven, Power was conferred upon the Heritors of such United Parishes to convey or make over any One of the Parish Churches of such United Parish to the Party or Parties who shall have endowed or undertaken to endow such Parish *quoad sacra*, but it has been found that the said last-mentioned Act has not sufficiently accomplished the Objects for which it was designed; and it is expedient that the said Act should be repealed, and other Provisions should be made in lieu thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; *viz.*

29 & 30 Vict. c. 77. repealed.

1. The Act Twenty-ninth and Thirtieth *Victoria*, Chapter Seventy-seven, is hereby repealed.

In a United Parish containing several Parish Churches, Persons undertaking to endow One of them may apply for Disjunction, and Erection of a Parish quoad sacra, without erecting a Church.

2. Whenever, in the Case of any United Parish containing Two or more Parish Churches, any Persons have undertaken to endow One of the said Churches along with a District, being Part of such United Parish, to be attached thereto, it shall be competent for them to apply for the Disjunction of such District, and for the Erection of it into a Parish *quoad sacra*, in Terms of the Eighth Section of the said first-recited Act, and for the Court to entertain and dispose of such Application in the same Manner and to the same Effect as if the Persons applying for such Disjunction and Erection had, at his, her, or their Expense, built or acquired, or undertaken to build or acquire, a Church, in order to its being erected into a Parish Church in connexion with the Church of *Scotland:* Provided also, that it shall not be necessary for the Persons applying for such Disjunction and Erection to make any Provision for the Maintenance of the Fabric of the Church which they shall have undertaken to endow as aforesaid.

Court, in pronouncing Decree of Disjunction and Erection, may declare One of several Churches of a United

3. It shall be competent for the Court, in pronouncing Decree of Disjunction and Erection in an Application presented under the preceding Section, to declare that the Church undertaken to be endowed shall, from and after the Date of the Decree, be the Parish Church of the newly erected Parish, and the said Church shall thereafter be the Parish Church of the said newly erected Parish; and

and the Minister and Kirk Session of the newly erected Parish *quoad sacra* shall be invested with all those Rights in relation to the Church of the newly erected Parish which were formerly vested in the Minister and Kirk Session of the said United Parish. Parish to be the Church of new Parish quoad sacra.

4. The Church which shall be declared as aforesaid to be the Church of the newly erected Parish *quoad sacra* shall not be subject to the Provisions of any Trust constituted in Terms of the first-recited Act, or to any Trust applicable to a Church erected by voluntary Contributions as the Church of a Parish *quoad sacra*. Church not to be subject to Trust.

5. Nothing in this Act shall increase or affect the existing Liabilities of the Heritors in any Parish. Not to increase Liabilities of Heritors.

6. This Act shall be deemed to be incorporated with the first-recited Act, and the said first-recited Act shall be read and have Effect accordingly. This Act and first-recited Act incorporated.

7. This Act may for all Purposes be cited as the "United Parishes (*Scotland*) Act, 1868." Short Title.

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VICTORIÆ REGINÆ.

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CAP. XXXI.

An Act to amend the Act passed in the Session of Parliament held in *Ireland* in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better Regulation of Stockbrokers*. [25th *June* 1868.]

WHEREAS by an Act passed in the Session of Parliament held in *Ireland* in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, Chapter Sixty, intituled *An Act for the better Regulation of Stockbrokers*, it is amongst other things enacted, that "no Person shall act in the "Capacity of Stockbroker in the selling or buying of any Govern- "ment Stock, or Government Securities on Commission, without "having taken out a Licence for that Purpose under the Hands of "Two or more of the Commissioners of His Majesty's Treasury;" and further, "that every such Person shall, before such Licence be "granted, enter into a Bond to His Majesty in the Penalty of Two "thousand Pounds for himself, and Two Securities of Five hundred "Pounds each," conditioned as in the said Act is provided: 39 G. 3. c. 60. (I.)

And whereas in pursuance of the Provisions of the said recited Act Licences have been from Time to Time taken out by Stock-

brokers, and the said Stockbrokers have respectively before obtaining such Licences duly entered into Bonds in the Amount, with the Securities, in the Manner, and subject to the Condition in the said recited Act provided, but none of the said Bonds have been put in force:

And whereas it is expedient to make Provision that the Bonds heretofore given to Her Majesty or any of Her Predecessors, or hereafter to be given to Her Majesty or any of Her Successors, in pursuance of the Provisions of the recited Act, shall not be registered or redocketed under the Provisions of the Statutes in that Behalf until Breach of any of the Conditions of the same respectively:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Bond to be registered or redocketed until Breach of Condition.

1. No Bond heretofore given to Her Majesty or any of Her Predecessors, or to be hereafter given to Her Majesty or any of Her Successors, by any Person or Persons in pursuance of the Provisions of the recited Act, shall be registered or redocketed under the Provisions of the Statutes in that Behalf until Breach of any of the Conditions of the same.

Short Title.

2. This Act may be cited for all Purposes as "The Stockbrokers (*Ireland*) Act, 1868."

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VICTORIÆ REGINÆ.

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CAP. XXXII.

An Act for annexing Conditions to the Appointment of Persons to Offices in certain Schools.

[25th *June* 1868.]

WHEREAS the Commissioners appointed to inquire into the Education given in Schools not comprised within the Scope of certain Letters Patent of Her Majesty, bearing Date respectively the Thirtieth Day of *June* One thousand eight hundred and fifty-eight and the Eighteenth Day of *July* One thousand eight hundred and sixty-one, made their Report dated the Second Day of *December* One thousand eight hundred and sixty-seven:

And whereas by such Report it appears that Legislation will be necessary with a view to carry into effect the Recommendations therein contained with respect to such of the aforesaid Schools as are endowed:

And whereas it is expedient that no Impediment should be created to the free Action of the Legislature in carrying into effect such Recommendations by the Acquisition of vested Interests by Persons appointed to Offices or other Emoluments after the passing of this Act:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Endowed Schools Act, 1868."

Persons appointed after passing of Act to take Office subject to future Legislation.

2. Every Person appointed after the passing of this Act to any Office or Emolument in or in the Gift of the Governing Body of any of the said Schools shall take and hold such Office or Emolument subject to such Provisions and Regulations as may hereafter be enacted respecting the same.

Definition of "Governing Body."

3. For the Purposes of this Act the Term "Governing Body" shall include Patrons, Trustees, Governors, or other Persons in whom is vested the Right of appointing new Masters in the said Schools on Vacancies occurring, and of holding and managing the Property of the said Schools, or either of such Rights.

Definition of "Office or Emolument."

4. "Office or Emolument" shall include any Mastership, also any Office to which the Duty of teaching Grammar is attached, also any Employment in or about the Estates or Property of the Governing Body, also any Pension or Compensation Allowance.

Not to affect Tenure of any Scholarship, &c. as herein specified.

5. This Act shall not affect the Tenure of any Scholarship, Exhibition, or other like Emolument, or any Pension or Compensation Allowance to which any Person is entitled by reason of a certain Number of Years Service, and the Amount of which is not in the Discretion of the Governing Body.

Duration of Act.

6. This Act shall continue in force until the First Day of *August* One thousand eight hundred and sixty-nine, and to the End of the then next Session of Parliament.

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CAP. XXXIII.

An Act for the Collection and Publication of Cotton Statistics. [25th *June* 1868.]

WHEREAS it would be of great public Advantage if Statistical Information respecting the Quantity of Cotton imported into the United Kingdom, and the Quantity removed (either by Sea or Land) from and to, and held in Stock at, the several Ports, were periodically obtained and published by Authority: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as the Cotton Statistics Act, 1868.

Interpretation of Terms.

2. In this Act—

The Term "Forwarder" shall mean and include every Owner or Lessee of any Railway, Canal, or Inland Navigation who carries or conveys Cotton for Toll or other Consideration from or to any Port in the United Kingdom.

3. Every

Cotton Statistics.

Forwarders of Cotton to make Monthly Returns to the Board of Trade.

3. Every Forwarder shall on the Fourth Day of *July* One thousand eight hundred and sixty-eight, and on the Fourth Day of every subsequent Month, make a Return in Writing to the Board of Trade, in such convenient Form as the Board of Trade may order, showing the Quantity of Cotton forwarded or received by him or them from or to any Port in the United Kingdom within the then last preceding Month.

Publication of Information.

4. The several Returns made to the Board of Trade under this Act shall be published in the same Manner as other Statistical Information is published by that Board.

Penalty.

5. If any such Forwarder be summoned by the Board of Trade to comply with the Requirements of this Act, and fail to do so, he or they shall for every Offence be liable on summary Conviction to a Penalty not exceeding Twenty Pounds.

Orders in Council for Execution of Act, &c.

6. It shall be lawful for Her Majesty in Council from Time to Time to make by Order in Council such Provisions as seem fit for the better Execution of this Act, and for otherwise procuring and publishing Statistical Information respecting the Stock of and the Importation of Cotton into, and the Exportation thereof from, and the Transport and Warehousing thereof within, the United Kingdom, and for the Publication from Time to Time of such Information. All such Orders in Council shall be published in the *London*, *Edinburgh*, and *Dublin* Gazettes, and shall be laid before both Houses of Parliament.

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" in the other Minute Book, and be subscribed by the Receiver " thereof, that as the one Minute Book doth charge, so the other " Minute Book may discharge, the Clerk of such Writs, and that " no Writ given in shall be taken out after the same is booked :"

And whereas the giving up of Writs to the Parties or others employed by them after the same have been given in to be registered in the Books of Council and Session has caused Inconvenience, and has been found to interfere with the due and regular booking of the Writs; and it is expedient, and will tend to greater Regularity and Security, that Writs, after having been given in to be registered in the Books of Council and Session, should not be given up, but should remain in the Custody of the Keepers of the Registers, subject to the Authority and Control of the Lords of Council and Session, before being booked, in like Manner as after being booked:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Writs given in to be registered in the Books of Council and Session not to be given out.

1. From and after the passing of this Act no Writ that shall have been given in to be registered in the Books of Council and Session shall be taken out by the Party or any one employed by him, nor shall any such Writ be given up by the Keepers of the Register for any Purpose at any Time, either before or after the same has been booked, excepting only when Authority of the Lords of Council and Session has been expressly given thereto, and then only under such Conditions and Limitations as may be expressed in such Authority, anything in the said recited Act or in any other Act or any Law or Custom to the contrary notwithstanding.

Writs registered as Probative Writs not to be given back.

2. And whereas by an Act of the First Parliament of His Majesty King *William*, held at *Edinburgh* in the Year One thousand six hundred and ninety-eight, intituled *Act concerning Registration of Probative Writs*, on the Preamble that " it " will be of great Ease and Advantage to the Leiges that Pro- " bative Writs be allowed to be registrate, albeit they want a " Clause of Registration," it was statute and ordained, " that it " shall be lawful and liesome to registrate for Conservation all " Charters granted by Subjects, Dispositions, Bonds, Contracts, " Tacks, Reversions, and all other Probative Writs in any public " authentic Register that is competent, albeit the said Writs want " a Clause of Registration, and the Principal to be given back to " the Party, and the Extract to make entire Faith in all Cases, in " the same Manner as if the said Writs had been registrate by

" virtue

" virtue of a Clause of Registration, except in the Case of Improba-
" tions :" And whereas the giving back of the Principal Writs impairs the Utility of the Registers of Probative Writs as Registers for Conservation, and has been found to be of evil Consequence, affording Facility for Fraud and for obstructing the Course of Justice: Be it therefore enacted, That no Probative Writ given in to be registered in any Register under Authority of the said last-recited Act shall be given back to the Party, but all such Writs shall remain in the Custody of the Keepers of the Registers in like Manner and subject to the like Control as any Writ given in to be registered in virtue of a Clause of Registration therein contained, anything in the said last-recited Act or any other Act or any Law or Custom to the contrary notwithstanding. And where it is by any Act, or by the Rules of any Corporation or Trade, provided that an Indenture of Apprenticeship, with a Certificate of Service endorsed thereon, may be received as Evidence of such Apprenticeship having been duly served, an Extract of such Indenture duly recorded in the Register of Probative Writs, with a Certificate of Service endorsed on such Extract, may be received as Evidence of such Apprenticeship having been duly served.

Extracts of Indentures of Apprenticeship may be received in Evidence.

3. All Extracts issued after the Date of the passing of this Act from the Books of Council and Session, or of any Sheriff Court, or of any Register of Probative Writs, shall have upon them, in such Form as may from Time to Time be prescribed by the Lord Clerk Register, a Certificate or Marking indicating the cumulo Amount of Stamp Duty paid on the Principal Writ recorded and retained for Preservation.

Extracts to bear Certificate of Stamp Duty.

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CAP. XXXV.

An Act to extend the Provision in "The Duchy of *Cornwall* Management Act, 1863," relating to permanent Improvements. [25th *June* 1868.]

WHEREAS by "The Duchy of *Cornwall* Management Act, 1863," Section Eight, Advances are authorized to be made out of the Capital Funds of the Duchy of *Cornwall*, for the Purpose of permanently improving the Possessions thereof, by Inclosure or by erecting Buildings or executing Drainage or other Works thereon, such Advances to be repaid to the Capital from the Revenues of the said Duchy by annual Instalments of not less than One Thirtieth Part thereof in every Year, but subject to a Proviso that the Amount so to be advanced and not repaid shall not at any One Time exceed the Sum of Thirty thousand Pounds: 26 & 27 Vict. c. 49.

And whereas the Limitation of such Advances to the Sum of Thirty thousand Pounds mentioned in the said Act prevents the Execution of necessary Works which are essential to the permanent Improvement of the Possessions of the said Duchy, and it is expedient that the same Limitation be rescinded:

 And

Duchy of Cornwall Amendment.

And whereas amongst the Possessions of the Duchy of *Cornwall* there is a large Extent of House Property at present of an inferior Class, in bad Repair, and on which a large Outlay is required, and it is expedient that Power should be given for Advances of Monies out of the Capital Funds of the said Duchy in and towards the Improvement of the same, and it is reasonable that for the Repayment to Capital from the Revenues of the said Duchy of Advances made for the Improvement of such House Property a longer Term than Thirty Years should be allowed:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of Sect. 8 of 26 & 27 Vict. c. 49. repealed.

1. So much of Section Eight in "The Duchy of *Cornwall* Management Act, 1863," as provides that the Amount advanced out of the Capital Funds of the Duchy for the Purpose of permanently improving the Possessions thereof and not repaid shall not at any One Time exceed the Sum of Thirty thousand Pounds shall be and the same is hereby repealed.

Capital Funds of Duchy may be applied in Improvement of House Property, &c.

2. So much of the Capital Funds of the said Duchy as the Lord High Treasurer or the Lords Commissioners of the Treasury for the Time being shall approve of may, with such Sanction and Approval as is by the said Act required for Advances thereby authorized to be made from Capital Monies for the Purpose of Improvements, be from Time to Time advanced and applied in such Manner as the Duke of *Cornwall* shall think fit for the Improvement of the House Property of the said Duchy and Purposes connected therewith, including the laying out and forming of new Roads, Streets, Sewers, or Drains, and, where required for the Purpose of effecting any such Improvements, the Purchase of any Lease or Leases of any Part or Parts of the Property intended to be so improved which may for the Time being be in existence, and the Advances made under the Authority of this Section shall be a Charge upon and be repaid from the Revenues of the said Duchy to the Account of the Duchy of *Cornwall* at the Bank of *England*, by annual Instalments of such Amount, not being less than One Sixtieth Part thereof in every Year, as the said High Treasurer or Lords Commissioners may direct; and it shall be the Duty of the Receiver General of the Duchy of *Cornwall* and he is hereby required to see that such annual Instalments are paid accordingly; provided that nothing in this Section shall apply to any Farmhouse or other House or Building occupied or used in connexion with or for the Purposes of any agricultural Land.

3. This

Duchy of Cornwall Amendment.

3. This Act and the recited Act shall be read and construed as One Act, and the same together may be cited and referred to as "The Duchy of *Cornwall* Management Acts, 1863–1868." Act to be read with 26 & 27 Vict. c. 49.

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CAP. XXXVII.

An Act to amend the Law relating to Documentary Evidence in certain Cases. [25th *June* 1868.]

WHEREAS it is expedient to amend the Law relating to Evidence: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Documentary Evidence Act, 1868."

Mode of proving certain Documents.

2. *Primâ facie* Evidence of any Proclamation, Order, or Regulation issued before or after the passing of this Act by Her Majesty, or by the Privy Council, also of any Proclamation, Order, or Regulation issued before or after the passing of this Act by or under the Authority of any such Department of the Government or Officer as is mentioned in the First Column of the Schedule hereto, may be given in all Courts of Justice, and in all legal Proceedings whatsoever, in all or any of the Modes herein-after mentioned; that is to say:

(1.) By the Production of a Copy of the Gazette purporting to contain such Proclamation, Order, or Regulation.

(2.) By

(2.) By the Production of a Copy of such Proclamation, Order, or Regulation purporting to be printed by the Government Printer, or, where the Question arises in a Court in any *British* Colony or Possession, of a Copy purporting to be printed under the Authority of the Legislature of such *British* Colony or Possession.

(3.) By the Production, in the Case of any Proclamation, Order, or Regulation issued by Her Majesty or by the Privy Council, of a Copy or Extract purporting to be certified to be true by the Clerk of the Privy Council or by any One of the Lords or others of the Privy Council, and, in the Case of any Proclamation, Order, or Regulation issued by or under the Authority of any of the said Departments or Officers, by the Production of a Copy or Extract purporting to be certified to be true by the Person or Persons specified in the Second Column of the said Schedule in connexion with such Department or Officer.

Any Copy or Extract made in pursuance of this Act may be in Print or in Writing, or partly in Print and partly in Writing.

No Proof shall be required of the Handwriting or official Position of any Person certifying, in pursuance of this Act, to the Truth of any Copy of or Extract from any Proclamation, Order, or Regulation.

Act to be in force in Colonies.

3. Subject to any Law that may be from Time to Time made by the Legislature of any *British* Colony or Possession, this Act shall be in force in every such Colony and Possession.

Punishment of Forgery.

4. If any Person commits any of the Offences following, that is to say,—

(1.) Prints any Copy of any Proclamation, Order, or Regulation which falsely purports to have been printed by the Government Printer, or to be printed under the Authority of the Legislature of any *British* Colony or Possession, or tenders in Evidence any Copy of any Proclamation, Order, or Regulation which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or,

(2.) Forges or tenders in Evidence, knowing the same to have been forged, any Certificate by this Act authorized to be annexed to a Copy of or Extract from any Proclamation, Order, or Regulation;

he shall be guilty of Felony, and shall on Conviction be liable to be sentenced to Penal Servitude for such Term as is prescribed by the Penal Servitude Act, 1864, as the least Term to which an Offender can be sentenced to Penal Servitude, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

5. The

Documentary Evidence.

5. The following Words shall in this Act have the Meaning hereinafter assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Definition of Terms.

"*British* Colony and Possession" shall for the Purposes of this Act include the Channel Islands, the *Isle of Man*, and such Territories as may for the Time being be vested in Her Majesty by virtue of any Act of Parliament for the Government of *India* and all other Her Majesty's Dominions. "British Colony and Possession."

"Legislature" shall signify any Authority other than the Imperial Parliament or Her Majesty in Council competent to make Laws for any Colony or Possession. "Legislature."

"Privy Council" shall include Her Majesty in Council and the Lords and others of Her Majesty's Privy Council, or any of them, and any Committee of the Privy Council that is not specially named in the Schedule hereto. "Privy Council."

"Government Printer" shall mean and include the Printer to Her Majesty and any Printer purporting to be the Printer authorized to print the Statutes, Ordinances, Acts of State, or other Public Acts of the Legislature of any *British* Colony or Possession, or otherwise to be the Government Printer of such Colony or Possession. "Government Printer."

"Gazette" shall include the *London Gazette*, the *Edinburgh Gazette*, and the *Dublin Gazette*, or any of such Gazettes. "Gazette."

6. The Provisions of this Act shall be deemed to be in addition to, and not in derogation of, any Powers of proving Documents given by any existing Statute or existing at Common Law. Act to be cumulative.

SCHE-

SCHEDULE.

Column 1. Name of Department or Officer.	Column 2. Names of Certifying Officers.
The Commissioners of the Treasury.	Any Commissioner, Secretary, or Assistant Secretary of the Treasury.
The Commissioners for executing the Office of Lord High Admiral.	Any of the Commissioners for executing the Office of Lord High Admiral or either of the Secretaries to the said Commissioners.
Secretaries of State.	Any Secretary or Under-Secretary of State.
Committee of Privy Council for Trade.	Any Member of the Committee of Privy Council for Trade or any Secretary or Assistant Secretary of the said Committee.
The Poor Law Board.	Any Commissioner of the Poor Law Board or any Secretary or Assistant Secretary of the said Board.

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CAP. XXXVIII.

An Act for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in *India*. [25th *June* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Prize Money to be paid and placed to the Credit of the Revenues of India;

1. All and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen or which shall hereafter arise from, or which is now or shall hereafter be distributable in respect of, any Capture or other warlike Service whatsoever which has heretofore been or shall hereafter be made or performed, and to which Shares or Share any Officer, Soldier, Sailor, or other Person at any Time in or belonging or having belonged to the Forces of the *East India* Company, to Her Majesty's *Indian* Staff Corps, or to Her Majesty's Local *Indian* Forces, *European* or Native, is now or shall hereafter be entitled, in whatsoever Service the same may have been acquired, and which Shares or Share have come into and are now remaining in the Hands, or shall hereafter come into the Hands, of any Prize Agent or Agents, or any other Person whomsoever, shall be paid, according to the Residence of the

Party or Parties paying the same, either in *London* into the Bank of *England* to the Account of the Secretary of State in Council of *India*, or in *India* into such Places and in such Manner as the Government in *India* shall direct; and all Sums of Money when so paid shall be placed to the Credit of the Revenues of *India*, and shall for all Purposes form Part of such Revenues, and be applicable in all respects as such Revenues are or shall be applicable, subject, nevertheless, to be refunded, without Interest, to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto to the Satisfaction of the Secretary of State in Council of *India*.

subject to be refunded without Interest.

Times within which Payments are to be made.

2. All Money now remaining in the Hands of any Prize Agent or Agents or any other Person or Persons whomsoever, and which is hereby directed to be paid and be placed to the Credit of the Revenues of *India*, and which shall be to be paid in *England*, shall be paid within Two Calendar Months next after the passing of this Act, and all such Money which shall be to be paid in *India* shall be paid within Six Calendar Months next after the passing of this Act; and all Money which shall hereafter come into the Hands of any Prize Agent or Prize Agents, or any other Person or Persons whomsoever, and which is hereby directed to be paid and be placed to the Credit of the Revenues of *India*, whether the same shall be to be paid in *England* or in *India*, shall be paid within Two Calendar Months next after the Receipt thereof by such Prize Agent or Agents or other Person or Persons.

Power to the Secretary of State in Council to recover Monies as herein directed.

3. The Secretary of State in Council of *India* shall have and may exercise the same or the like Powers, Rights, and Remedies, so far as the same shall be applicable for Discovery and Recovery of and otherwise in relation to or in respect of the Monies hereby directed to be paid and to be placed to the Credit of the Revenues of *India*, as the Commissioners or the Treasurer for the Time being of *Chelsea Hospital*, or the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral, or any other Persons or Person, or any Corporation entitled to or interested in any Prize Money acquired by or due to any Officers, Soldiers, or Seamen in or belonging to Her Majesty's *European* Military or Naval Forces, have or can exercise by virtue of any Act or Acts now in force for the Discovery or Recovery of or otherwise in relation to or in respect of such last-mentioned Prize Money, and all Courts of Law and Equity and of Admiralty Jurisdiction in the United Kingdom and in *India* shall have and may exercise the same or the like Jurisdiction, Powers, and Authorities for compelling every Person to account for and pay over the

the Monies hereby directed to be paid and be placed to the Credit of the Revenues of *India* as any Court of Law or Equity or of Admiralty Jurisdiction may now exercise with respect to any Prize Money acquired by or belonging to any such Officers, Soldiers, or Seamen as last aforesaid; and every Person who is required by this Act to pay over any Share or Shares shall be subject to the like Liability to account for the same, and to the like Fines and Penalties for Neglect or Default in not accounting for the same, and otherwise, as Agents or other Persons are by any Act or Acts now in force subject to in respect of any Shares or Balances of Prize Money acquired by or belonging to any such Officers, Soldiers, or Seamen as last aforesaid.

Persons required to pay over Prize Money to be liable to account.

4. Nothing in this Act contained shall prevent any Person or Persons from resorting to any Remedy at Law or in Equity against the Secretary of State in Council of *India* for the Recovery of Principal without Interest of any Money to which he or they may be entitled, and which shall be paid in manner herein-before directed, and placed to the Credit of the Revenues of *India*, provided such Person or Persons shall prefer his or their Claim thereto to the Secretary of State in Council of *India* within Six Years from the respective Times at which the same Money shall be so paid as aforesaid.

Nothing in the Act contained to prevent trying Rights to Prize Money.

5. Nothing herein contained shall take away or affect any Right which the Secretary of State in Council of *India* now has, or if this Act had not been passed would at any Time have had, to or in respect of any Monies hereby directed to be paid, nor shall diminish, abridge, or prejudice any Rights, Powers, or Remedies which the Secretary of State in Council of *India* has, or if this Act had not been passed would have had, or could at any Time have enforced, for the Discovery or Recovery of the same Monies, or any of them.

Nothing to prejudice any Rights or Powers the Secretary of State in Council already has to the Prize Money.

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instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following :

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, that 'the taking of any Oath is, according to my Religious Belief, 'unlawful; and I do also solemnly, sincerely, and truly affirm and 'declare,' &c.

Which solemn Affirmation and Declaration shall be of the same Force and Effect, and if untrue shall entail all the same Consequences, as if such Person had taken an Oath in the usual Form.

Legal Allegation may be that Jurors have been sworn or affirmed.

2. Whenever in any legal Proceedings it is necessary or usual to state or allege that Jurors have been sworn, it shall not be necessary to specify that any particular Juror has made Affirmation or Declaration instead of Oath, but it shall be sufficient to state or allege that the Jurors have been "sworn or affirmed."

Short Title.

3. This Act may be cited for all Purposes as "The Jurors Affirmation (*Scotland*) Act, 1868."

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Property between or among them, the Court may, if it thinks fit, on the Request of any of the Parties interested, and notwithstanding the Dissent or Disability of any others of them, direct a Sale of the Property accordingly, and may give all necessary or proper consequential Directions.

Sale on Application of certain Proportion of Parties interested.

4. In a Suit for Partition, where, if this Act had not been passed, a Decree for Partition might have been made, then if the Party or Parties interested, individually or collectively, to the Extent of One Moiety or upwards in the Property to which the Suit relates, request the Court to direct a Sale of the Property and a Distribution of the Proceeds instead of a Division of the Property between or among the Parties interested, the Court shall, unless it sees good Reason to the contrary, direct a Sale of the Property accordingly, and give all necessary or proper consequential Directions.

As to Purchase of Share of Party desiring Sale.

5. In a Suit for Partition, where, if this Act had not been passed, a Decree for Partition might have been made, then if any Party interested in the Property to which the Suit relates requests the Court to direct a Sale of the Property and a Distribution of the Proceeds instead of a Division of the Property between or among the Parties interested, the Court may, if it thinks fit, unless the other Parties interested in the Property, or some of them, undertake to purchase the Share of the Party requesting a Sale, direct a Sale of the Property, and give all necessary or proper consequential Directions, and in case of such Undertaking being given the Court may order a Valuation of the Share of the Party requesting a Sale in such Manner as the Court thinks fit, and may give all necessary or proper consequential Directions.

Authority for Parties interested to bid.

6. On any Sale under this Act the Court may, if it thinks fit, allow any of the Parties interested in the Property to bid at the Sale, on such Terms as to Nonpayment of Deposit, or as to setting off or accounting for the Purchase Money or any Part thereof instead of paying the same, or as to any other Matters, as to the Court seem reasonable.

Application of Trustee Act. (13 & 14 Vict. c. 60.)

7. Section Thirty of The Trustee Act, 1850, shall extend and apply to Cases where, in Suits for Partition, the Court directs a Sale instead of a Division of the Property.

Application of Proceeds of Sale. (19 & 20 Vict. c. 120.)

8. Sections Twenty-three to Twenty-five (both inclusive) of the Act of the Session of the Nineteenth and Twentieth Years of Her Majesty's Reign (Chapter One hundred and twenty), "to facilitate "Leases and Sales of Settled Estates," shall extend and apply to Money

Money to be received on any Sale effected under the Authority of this Act.

Parties to Partition Suits.

9. Any Person who, if this Act had not been passed, might have maintained a Suit for Partition may maintain such Suit against any One or more of the Parties interested, without serving the other or others (if any) of those Parties; and it shall not be competent to any Defendant in the Suit to object for Want of Parties; and at the Hearing of the Cause the Court may direct such Inquiries as to the Nature of the Property, and the Persons interested therein, and other Matters, as it thinks necessary or proper with a view to an Order for Partition or Sale being made on further Consideration; but all Persons who, if this Act had not been passed, would have been necessary Parties to the Suit, shall be served with Notice of the Decree or Order on the Hearing, and after such Notice shall be bound by the Proceedings as if they had been originally Parties to the Suit, and shall be deemed Parties to the Suit; and all such Persons may have Liberty to attend the Proceedings; and any such Person may, within a Time limited by General Orders, apply to the Court to add to the Decree or Order.

Costs in Partition Suits.

10. In a Suit for Partition the Court may make such Order as it thinks just respecting Costs up to the Time of the Hearing.

As to General Orders under this Act. (21 & 22 Vict. c. 27.)

11. Sections Nine, Ten, and Eleven of The Chancery Amendment Act, 1858, relative to the making of General Orders, shall have Effect as if they were repeated in this Act, and in Terms made applicable to the Purposes thereof.

Jurisdiction of County Courts in Partition. (28 & 29 Vict. c. 99.)

12. In *England* the County Courts shall have and exercise the like Power and Authority as the Court of Chancery in Suits for Partition (including the Power and Authority conferred by this Act) in any Case where the Property to which the Suit relates does not exceed in Value the Sum of Five hundred Pounds, and the same shall be had and exercised in like Manner and subject to the like Provisions as the Power and Authority conferred by Section One of The County Courts Act, 1865.

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CAP. XLI.

An Act to make Provision in the Case of Boroughs ceasing to return Members to serve in Parliament respecting Rights of Election which have been vested in Persons entitled to vote for such Members. [13th *July* 1868.]

WHEREAS in certain Boroughs in *England* the Persons entitled to vote for Members to serve in Parliament for such Boroughs are Electors for other Purposes, and it is expedient to make Provision respecting Electors for those Purposes in the Case of Boroughs which will cease to return Members after the next Dissolution of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Borough Electors Act, 1868." Short Title.

2. In this Act—

The Terms "Parliamentary Borough" and "Parliamentary Electors" mean respectively a Borough which, prior to the passing Interpretation of Terms.

passing of "The Representation of the People Act, 1867," returned a Member or Members to serve in Parliament, and the Persons for the Time being entitled to vote for such Members or Member:

The Term "Municipal Borough" means a Place subject to the Provisions of the Act of the Session of the Fifth and Sixth Years of the Reign of His Majesty *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales:

The Term "Burgesses" means the Persons on the Burgess Roll for the Time being in force in a Municipal Borough.

On Parliamentary Electors ceasing to return Members in pursuance of 30 & 31 Vict. c. 102., Municipal Burgesses substituted.

3. Wherever the Parliamentary Electors in any Place in *England*, where there is both a Municipal and Parliamentary Borough, are by Law Electors for any other Purpose, and the Parliamentary Borough in pursuance of "The Representation of the People Act, 1867," or of any Act passed in the present Session, will cease after the next Dissolution of Parliament to return a Member to serve in Parliament, the Burgesses of the Municipal Borough shall be Electors for such Purpose, and shall in all respects, so far as regards such Purpose, be substituted for the Parliamentary Electors.

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Interpretation Clause.

2. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them:

The Expression "Magistrates and Council" shall mean the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh* for the Time being:

The Word "City" shall mean the City of *Edinburgh*.

Assessment not to be levied beyond the Ancient and Extended Royalty.

3. So much of the recited Act as provides that the Magistrates and Council shall annually, on or before the Twenty-fifth Day of *January*, transfer and pay over, from the Produce of the Assessments levied under the Powers of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856," into the Account kept in relation to the Funds, Revenues, and Property made over to the Creditors of the City in Security of the Annuities payable to them, such proportional Sum as shall correspond with a Rate of One Penny in every Pound of Four Fifths of the gross annual Value of the Property in respect of the Occupation of which the said Assessments are levied, shall be repealed; and from and after *Whitsunday* One thousand eight hundred and sixty-eight the said proportional Sum shall be computed as if the said Assessment were leviable only within the Ancient and Extended Royalties of the City within which the Annuity Tax was formerly leviable, and the said proportional Rate of One Penny *per* Pound shall from and after that Date be levied only within the foresaid restricted Limits, and not within any Part of the City in which the Annuity Tax was not formerly leviable; and from and after the Term of *Whitsunday* One thousand eight hundred and seventy-two, at which Period the Magistrates and Council will come into possession of the whole Revenues accruing from the City Cornmarket Customs and Dues under the Provisions of the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, the foresaid Tax of One Penny *per* Pound shall cease and determine, and shall not thereafter be imposed or levied within any Part of the Municipal Boundaries of the City.

Assessment to expire in Eighteen hundred and seventy-two.

Security given to the Creditors of the City regulated.

4. And whereas the Produce of the foresaid Assessment of One Penny *per* Pound levied over the extended Municipal Boundaries of the City, during the Year in which it was first imposed, amounted to Two thousand four hundred and one Pounds Fourteen Shillings and Ninepence, over which Sum the Creditors of the City obtained by the recited Act a preferable Security: And whereas the Produce of the said Assessment within the restricted Limits in which it is hereafter to be levied will amount to a smaller Sum; and in order to provide that the Security given to the City Creditors shall not be diminished to less than the foresaid Amount, the Magistrates and Council shall, from and after the Twenty-fifth Day of *January* One

One thousand eight hundred and sixty-nine, out of the Customs and Market Dues of the City, transfer and pay over annually into the Account kept in relation to the Funds, Revenues, and Property made over to the said Creditors in Security of the Annuities on the Bonds of Annuity granted under the Provisions of the Act First and Second *Victoria*, Chapter Fifty-five, such annual Payments as, together with the Produce of the Assessment of One Penny *per* Pound levied over the Ancient and Extended Royalties of the City, will make up the foresaid Sum of Two thousand four hundred and one Pounds Fourteen Shillings and Ninepence yearly, until the Term of *Whitsunday* One thousand eight hundred and seventy-two; and after that Date the whole of the last-mentioned Sum shall be transferred and paid over annually by them out of the said Customs and Market Dues, including the said Cornmarket Customs and Dues: Provided that in case, under the Provisions of the last-mentioned Act, the said Creditors shall have adjudged, or shall adjudge, the Funds, Revenues, and Property made over to them in Security as set forth in Schedule (A.) to the said Act annexed, such Adjudication shall extend to and include the Payments from the said Assessment so long as it is leviable, and the additional annual Payments from the Customs or Market Dues of the City, and, after the Term of *Whitsunday* One thousand eight hundred and seventy-two, when the Assessment shall cease to be leviable, from the Cornmarket Customs and Dues; and the said annual Payments shall be preferable to all other Debts, Obligations, and Securities affecting the said Customs or Market Dues, or Cornmarket Customs and Dues, and shall be enforced in the same Way and Manner as the Security which the Creditors already enjoy for One thousand Pounds annually may be enforced under the said last-mentioned Act.

Laws, &c. inconsistent with this Act repealed.

5. All Laws, Statutes, and Usages inconsistent with the Provisions of this Act are hereby repealed.

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CAP. XLIII.

An Act for extending the Provisions of The *Thames* Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the Powers of the Metropolitan Board of Works in relation to Loans under that Act.

[13th *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

London Coal and Wine Duties levied for any extended Period to be carried to Improvement Fund.

1. The *Thames* Embankment and Metropolis Improvement Fund created by the *London* Coal and Wine Duties Continuance Act, 1861, shall comprise the Extension of the *London* Coal and Wine Duties authorized by The *London* Coal and Wine Duties Continuance Act, 1868, except the Duty of Fourpence Part of the Duty of Twelvepence on Coal, Culm, and Cinders, and except the Duties arising in the Year ending the Fifth Day of *July* One thousand eight hundred and eighty-nine, appropriated by Section Five of the last-mentioned Act.

2. Any

Extension of Guarantee by Treasury to further Monies.

2. Any Act passed in the present Session for the Construction of the Works mentioned in the Schedule to this Act, or any of them, and directing the Cost of such Works to be paid out of or charged upon the *Thames* Embankment and Metropolis Improvement Fund, shall be deemed to be comprised in the Term the Embankment and Improvement Acts used in The *Thames* Embankment and Metropolis Improvement (Loans) Act, 1864, (in this Act called the Act of 1864,) as if such Act had been described in the Schedule to the Act of 1864, and the Provisions of the Act of 1864 authorizing the Commissioners of Her Majesty's Treasury to guarantee Money borrowed, and the other Provisions of that Act, shall extend and apply to the additional Sum of One million eight hundred and fifty thousand Pounds authorized to be borrowed under this Act; and nothing in this Act contained shall in any Manner prejudice or affect the Guarantee given by the Commissioners of Her Majesty's Treasury for Payment of Interest from Time to Time due, and Repayment of the Principal Monies advanced on the Securities issued before the passing of this Act.

Power to the Metropolitan Board to give their general Fund as collateral Security.

3. The Metropolitan Board of Works (in this Act called the Board) may charge as collateral Security for Money borrowed upon the *Thames* Embankment and Metropolis Improvement Fund the Rates and Sums of Money which the Board are authorized to raise under the Provisions of The Metropolis Management Act, 1855, and The Metropolis Management Amendment Act, 1862; and if and when it shall be necessary to pay out of those Rates and Sums any Monies in respect of such Security, the same shall be deemed Part of the Expenses of the Board to be defrayed, assessed, and raised as in the last-mentioned Act provided, and may be defrayed, assessed, and raised accordingly. Any Money paid by the Board under this Section out of the Rates and Sums of Money aforesaid shall be repaid to the Board out of the *Thames* Embankment and Metropolis Improvement Fund when and as that Fund will allow of such Repayment, subject and without Prejudice to the prior Charges on that Fund, and so far as the same is not so repaid the same shall be recouped to the Board out of Money arising from the Rents and Profits and Sale or other Disposition of Lands acquired by them under the Acts to the Purposes of which that Fund is or may be applicable.

Power to charge Lands as collateral Security.

4. The Board may charge as Security for any Money borrowed under the Embankment and Improvement Acts all the Lands, Rents, and Property belonging to the Board under those Acts without dividing the Security or specifying any Lands, Rents, or Property,

Property, and so as to make the whole of such Lands, Rents, and Property a Security for all or any Money borrowed under those Acts or any of them; and the Board shall, so soon as any Monies are received from the Sale of any Surplus or other Property under those Acts or any of them, apply the same in the first instance in or towards Discharge and Payment of the Principal and Interest of Money so borrowed to which the Guarantee given by the Commissioners of Her Majesty's Treasury shall extend, and, subject thereto, to or towards the Payment of any other Charges on the *Thames* Embankment and Metropolis Improvement Fund.

Limiting the Amount to be borrowed.

5. For the Purposes of the Embankment and Improvement Acts the Board may borrow not exceeding the Sum of One million eight hundred and fifty thousand Pounds in addition to the Sums authorized by the Acts specified in the Schedule to the Act of 1864.

Application of Amount borrowed.

The Board shall apply Three hundred and fifty thousand Pounds (Part of the Sum of One million eight hundred and fifty thousand Pounds) in Repayment of certain Monies advanced to the Board on temporary Loan for the Purposes of the Embankment and Improvement Acts, and Three hundred thousand Pounds (further Part of such Sum of One million eight hundred and fifty thousand Pounds), or so much thereof as may be needed, for the Purposes authorized by "The Metropolis Improvement Act, 1863," and for no other Purpose.

Application of Fund.

6. Out of the *Thames* Embankment and Metropolis Improvement Fund there shall be applied by the Commissioners of Her Majesty's Treasury in each Year after the passing of this Act the Sum of One hundred and eighty-five thousand Pounds for Payment of Interest from Time to Time due, and Repayment of the Principal Monies advanced on the Securities issued before the passing of this Act with the Guarantee of the said Commissioners under the Act of 1864, or such other yearly Sum as the Board and the respective Holders of such Securities from Time to Time mutually agree upon, so that such Principal Monies, and all Interest thereon, may, unless otherwise agreed between such Holders and the Board, be paid off and discharged on or before the Fifth Day of *July* One thousand eight hundred and eighty-two, and all further Monies from Time to Time becoming Part of such Fund in each Year until the Fifth Day of *July* One thousand eight hundred and eighty-eight shall be applied—

In paying the Interest for the Time being due on Securities issued after the passing of this Act under or for the Purposes of the Embankment and Improvement Acts, and in repaying the Principal Monies advanced on such Securities;

Then

Then in paying any other Expenses incurred in respect of the several Works authorized by the Embankment and Improvement Acts, or in carrying those Acts into execution; and,

Lastly, in the Improvement of the Metropolis in such Manner as may by any Act or Acts to be passed in the present or any future Session be determined by Parliament.

Expression "Embankment and Improvement Acts."

7. The Expression in this Act "the Embankment and Improvement Acts" shall include any Act for constructing the Works mentioned in the Schedule to this Act, or any of those Works, and the Acts comprised in the Schedule to the Act of 1864.

Short Title.

8. This Act may be cited as The *Thames* Embankment and Metropolis Improvement (Loans) Act, 1868.

The SCHEDULE.

Works.	Intended Short Title of Act when passed.
The Alteration of Streets in Communication with the Embankment on the North Side of the Thames, and the Formation of new Streets, Improvements, and Works in connexion therewith.	Thames Embankment (North and South) Act, 1868.

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CAP. XLIV.

An Act for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes. [13th *July* 1868.]

WHEREAS it is expedient to afford greater Facilities for the Acquisition and Enjoyment by Societies or Bodies of Persons associated together for Religious, Educational, Literary, Scientific, or other like Charitable Purposes, of Buildings and Pieces of Land as Sites for Buildings for such Purposes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grants of Land for Buildings for Religious and certain other Purposes to be exempt from 9 G. 2. c. 36. and Sect. 2. of

1. All Alienations, Grants, Conveyances, Leases, Assurances, Surrenders, or other Dispositions, except by Will, *boná fide* made after the passing of this Act, to a Trustee or Trustees, on behalf of any Society or Body of Persons associated together for Religious Purposes, or for the Promotion of Education, Arts, Literature, Science, or other like Purposes, of Land, for the Erection thereon of a Building for such Purposes or any of them, or whereon a Building used or intended

24 & 25 Vict. c. 9.

intended to be used for such Purposes or any of them shall have been erected, shall be exempt from the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Second, and intituled *An Act to restrain the Disposition of Lands whereby the same become unalienable*, and also from the Provisions of the Second Section of an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to the Conveyance of Land for Charitable Uses:* Provided that such Alienation, Grant, Conveyance, Lease, Assurance, Surrender, or other Disposition shall have been really and *bonâ fide* made for a full and valuable Consideration actually paid upon or before the making of such Alienation, Grant, Conveyance, Lease, Assurance, Surrender, or other Disposition, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid and partly reserved as aforesaid, without Fraud or Collusion, and provided that each such Piece of Land shall not exceed Two Acres in Extent or Area in each Case.

Trustees may cause Deeds to be enrolled in Chancery.

2. Provided always, that the Trustee or Trustees of any Deed or Instrument by which any such Alienation, Grant, Conveyance, Lease, Assurance, Surrender, or Disposition shall have been made, or the Trusts thereof declared, may, if he or they shall think fit, at any Time cause such Deed or Instrument to be enrolled in Her Majesty's High Court of Chancery.

Deed need not be acknowledged in order to Enrolment.

3. From and after the passing of this Act it shall not be necessary to acknowledge any Deed or Instrument in order that the same may be enrolled in Her Majesty's High Court of Chancery.

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Short Title.

2. This Act may be cited as The Sea Fisheries Act, 1868.

Commencement of Act.

3. This Act shall (except as is in this Act expressly otherwise provided) come into force on such Day as may be fixed by a Notice in that Behalf published in the *London Gazette*, which Day is in this Act referred to as the Commencement of this Act.

Continuance of Act as herein stated.

4. So much of this Act as relates to *French* Subjects or *French* Sea-Fishing Boats outside of the exclusive Fishery Limits of the *British* Islands, and as gives Powers to *French* Sea-Fishery Officers, shall, on the Determination of the Convention set out in the First Schedule to this Act, cease to apply to *French* Subjects, Boats, and Officers; but, subject as aforesaid, this Act shall continue in force notwithstanding the Determination of that Convention.

Interpretation of Terms:

5. In this Act—

"Sea-Fish:"

The Term "Sea-Fish" does not include Salmon, as defined by any Act relating to Salmon, but, save as aforesaid, includes every Description both of Fish and of Shell Fish which is found in the Seas to which this Act applies; and "Sea-Fishing," "Sea-Fisherman," and other Expressions referring to Sea-Fish shall in this Act be construed to refer only to Sea-Fish as before defined:

"Sea-Fishing Boat:"

The Term "Sea-Fishing Boat" includes every Vessel of whatever Size, and in whatever Way propelled, which is used by any Person in Sea-Fishing, or in carrying on the Business of a Sea-Fisherman:

"British Islands:"

The Term "*British* Islands" includes the United Kingdom of *Great Britain* and *Ireland*, the *Isle of Man*, the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and their Dependencies; and the Terms "*Great Britain* and *Ireland*" and "United Kingdom," as used in the First Schedule to this Act, shall be construed to mean the "*British* Islands" as herein defined:

"Exclusive Fishery Limits:"

The Terms "exclusive Fishery Limits of the *British* Islands" and "exclusive Fishery Limits of *France*" mean the Limits within which the exclusive Right of Fishing is by Article One of the First Schedule to this Act reserved to *British* Subjects and *French* Subjects respectively:

"Consular Officer:"

The Term "Consular Officer" includes Consul General, Consul, and Vice-Consul, and any Person for the Time being discharging the Duties of Consul General, Consul, or Vice-Consul; and the Term "Consular Agent" in the First Schedule to this Act shall be construed to mean Consular Officer:

The

The Term "Court" includes any Tribunal or Magistrate exercising Jurisdiction under this Act: "Court:"

The Term "Person" includes a Body Corporate: "Person:"

The Term "the *Irish* Fishery Commissioners" means the Commissioners acting in execution of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and six, intituled *An Act to regulate the* Irish *Fisheries*, and the Acts amending the same. "The Irish Fishery Commissioners."

PART II.

Convention and Fisheries.

General Provisions.

6. The Convention set out in the First Schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof and the Declaration thereto annexed shall be of the same Force as if they were enacted in the Body of this Act. Confirmation of Convention.

7. It shall be lawful for Her Majesty from Time to Time, by Order in Council, to make, alter, and revoke Regulations for carrying into execution this Act and the Intent and Object thereof, and for the Maintenance of good Order among Sea-Fishing Boats, and the Persons belonging thereto, and to impose Penalties not exceeding Ten Pounds for the Breach of such Regulations. Power to Her Majesty, by Orders in Council, to make, &c. Regulations for Execution of Act and Maintenance of Order.

8. The following Persons shall have Authority to enforce the Provisions of this Act and of any Order in Council made thereunder; namely, every Officer of or appointed by the Board of Trade, every Commissioned Officer of any of Her Majesty's Ships on Full Pay, every *British* Consular Officer, every Collector and Principal Officer of Customs in any Place in the *British* Islands, every Inspecting Commander of the Coast Guard, every Principal Officer of a Coast Guard Station, and every Commander of any Vessel belonging to the *French* Government, and every Person appointed by the *French* Government to superintend the Fisheries referred to in the Convention; and such Persons are in this Act referred to as Sea-Fishery Officers. Who are to be Sea-Fishery Officers.

9. A Sea-Fishery Officer, for the Purpose of enforcing the Provisions of this Act and of any Order in Council made thereunder, may, with respect to any Sea-Fishing Boat within the exclusive Fishery Limits of the *British* Islands, and with respect to any *British* Powers of Sea-Fishery Officers.

or

or *French* Sea-Fishing Boat outside of those Limits, in the Seas to which this Act applies, exercise the following Powers:

(1.) He may go on board it:

(2.) He may require the Owner, Master, and Crew, or any of them, to produce any Certificates of Registry, Licences, Official Logbooks, Official Papers, Articles of Agreement, Muster Rolls, and other Documents relating to the Boat or to the Crew, or to any Member thereof, or to any Person on board the Boat, which are in their respective Possession or Control on board the Boat, and may take Copies thereof or of any Part thereof:

(3.) He may muster the Crew of the Boat:

(4.) He may require the Master to appear and give any Explanation concerning his Boat and her Crew, and any Person on board his Boat, and the said Certificates of Registry, Licences, Official Logbooks, Official Papers, Articles of Agreement, Muster Rolls, and other Documents, or any of them:

(5.) He may examine all Sails, Lights, Buoys, Barrels, Floats, Nets, and Implements of Fishing belonging to the Boat:

(6.) He may make any Examination and Inquiry which he deems necessary to ascertain whether the Provisions of this Act, or of any Order in Council made thereunder, are complied with:

(7.) He may, in the Case of any Person who has committed any of the Acts constituted Offences by this Part of this Act, or by any Order in Council made thereunder, without Summons, Warrant, or other Process, both take the Offender and the Boat to which he belongs, and the Crew thereof, to the nearest or most convenient Port, and bring him or them before a competent Court, and, subject to Article Twenty-seven of the Convention, detain him, it, and them in the Port until the alleged Offence has been adjudicated upon.

Protection of Fishery Officers.

10. A Sea-Fishery Officer shall be entitled to the same Protection in respect of any Action or Suit brought against him for any Act done or omitted to be done in the Execution of his Duty under this Act as is given to any Officer of Customs by the Customs Consolidation Act, 1853, and (with reference to the Seizure or Detention of any Ship) by any Act relating to the Registry of *British* Ships.

Fishery Regulations.

Penalty on obstructing or disobey-

11. If any Person obstructs any Sea-Fishery Officer in acting under the Powers conferred by this Act, or refuses or neglects to comply with

with any Requisition or Direction lawfully made or given by, or to answer any Question lawfully asked by, any Sea-Fishery Officer in pursuance of this Act, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act. ing Sea-Fishery Officer.

12. If any Person belonging to a Sea-Fishing Boat which is either *British* or *French* acts in contravention of Article Eleven of the First Schedule to this Act, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act. As to Violation of Article 11 of Convention.

13. If within the exclusive Fishery Limits of the *British* Islands any Person, or if outside of those Limits any Person belonging to a Sea-Fishing Boat which is either *British* or *French*, acts in contravention of Articles Twelve, Fifteen, Sixteen, Seventeen, Nineteen, Twenty, and Twenty-one of the First Schedule to this Act, or any of them, or causes Injury to any Person in any One or more of the following Ways, namely, by assaulting any one belonging to another Sea-Fishing Boat, or by causing Damage to another Sea-Fishing Boat, or to any Property on board thereof or belonging thereto, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act. As to Violation of Articles 12, 15, 16, 17, 19, 20, and 21 of Convention.

14. Every Person who has committed an Offence against the Fishery Regulations of this Act within the exclusive Fishery Limits of the *British* Islands, and every Person belonging to a *British* Sea-Fishing Boat who has committed an Offence against those Regulations outside of those Limits, shall be liable to a Penalty of not less than Eight Shillings and not more than Fifty Pounds, or, in the Discretion of the Court, to Imprisonment for not less than Two Days and not more than Three Months, with or without Hard Labour. Penalty for Offences.

If the Offence is One by which some Injury has been caused in any of the Ways before mentioned the Court may order the Offender to pay in addition to any Penalty a reasonable Sum as Compensation to the Person injured, which Sum may be recovered in the same Manner as a Penalty under this Act.

15. Where a Person belonging to a *French* Sea-Fishing Boat has committed, outside of the exclusive Fishery Limits of the *British* Islands, an Offence against the Fishery Regulations of this Act, he shall, after the Evidence is taken as provided by this Act, be sent back to *France* for Trial. Offender belonging to a French Boat to be sent back to France.

Exclusive Fishery Limits.

Penalties for Violation of exclusive Limits.

16. If any Person belonging to a *French* Sea-Fishing Boat acts in contravention of Articles Thirty-two, Thirty-three, and Thirty-five of the First Schedule to this Act, or any of them, the Master or Person for the Time being in charge of such Boat shall be liable for the First Offence to a Penalty not exceeding Ten Pounds; for the Second or any subsequent Offence to a Penalty not exceeding Twenty Pounds.

And the Court may order that in default of Payment of any such Penalty the Boat to which the Offender belongs may be detained in some Port of the *British* Islands for a Period not exceeding Three Months from the Date of the Sentence inflicting the Penalty.

Entry of Boats and Sale of Fish.

As to Suspension of Article 31 of Convention.

17. Article Thirty-one of the Convention and the Declaration annexed to the Convention shall not come into force until such Day as may be fixed in that Behalf by a Notice published in the *London Gazette*.

Power to Commissioners of Customs to make Regulations respecting Report and Entry of Sea-Fishing Boats.

18. The Commissioners of Her Majesty's Customs may from Time to Time make, alter, and revoke Regulations for carrying into effect Article Thirty-one of the Convention, and respecting the Report of *British* Sea-Fishing Boats which have visited Foreign Ports, and of Sea-Fishing Boats which are not *British*, and respecting the Entry and Landing of Fish taken by Sea-Fishing Boats which are not *British*, or respecting any of such Matters, and may for such Purpose alter and dispense with all or any of the Regulations and Enactments relating to the aforesaid Matters which are contained in this or any other Act, or are otherwise from Time to Time in force.

The Regulations so made shall be deemed to be Regulations within the Meaning of Section Two hundred of the Customs Consolidation Act, 1853.

As to the Sale of Fish.

19. After the Commencement of this Act all Restrictions whatever, in *England*, on the Sale of Sea-Fish, as defined by this Act, which is not diseased, unsound, unwholesome, or unfit for the Food of Man, shall be abolished.

Lights.

As to Violation of Articles 13 and 14 of Convention.

20. Articles Thirteen and Fourteen of the First Schedule to this Act shall, as to all Sea-Fishing Boats within the exclusive Fishery Limits of the *British* Islands, and as to *British* Sea-Fishing Boats outside of these Limits, have the same Force as if they were

Regulations

Regulations respecting Lights within the Meaning of the Acts relating to Merchant Shipping, with this Addition, that any Sea-Fishery Officer shall have the same Powers of enforcing such Regulations as are given to any Officer by such Acts, and any Infringement of the Regulations contained in Articles Thirteen and Fourteen shall be deemed an Offence within the Meaning of the Portion of this Act which gives Power to Sea-Fishery Officers.

Article 22 to be deemed included in Term "Wreck."

21. The Boats and Articles specified in Article Twenty-two of the First Schedule to this Act shall be deemed to be included in the Term "Wreck" as used in any Act relating to Merchant Shipping.

Registry of Sea-Fishing Boats.

As to Entry or Registry of British Sea-Fishing Boat.

22. Subject to any Exemptions allowed by or in pursuance of any Order in Council made as herein-after mentioned, every *British* Sea-Fishing Boat shall, as required by Articles Four, Five, Six, Seven, and Eight of the Convention, be lettered and numbered and have Official Papers, and shall for that Purpose be entered or registered in a Register for Sea-Fishing Boats.

A *British* Sea-Fishing Boat which is required to be entered or registered in pursuance of this Part of this Act, but is not so entered or registered, shall not be entitled to any of the Privileges or Advantages of a *British* Sea-Fishing Boat, but all Obligations, Liabilities, and Penalties with reference to such Boat, and the Punishment of Offences committed on board her, or by any Persons belonging to her, and the Jurisdiction of Officers and Courts, shall be the same as if such Boat were actually so entered or registered.

If any *British* Sea-Fishing Boat required to be entered or registered in pursuance of this Part of this Act, and not being so entered or registered, is used as a Sea-Fishing Boat in the Seas to which this Act applies, the Owner and the Master of such Boat shall each be liable to a Penalty not exceeding Twenty Pounds; and any Sea-Fishery Officer may seize and detain such Boat and prevent it from going to Sea and from Sea-Fishing until it is duly entered or registered, and may for that Purpose, if it is at Sea, take it back into the nearest or most convenient Port in the *British* Islands.

Power to Her Majesty in Council to provide for Registry of British Sea-Fishing Boats.

23. It shall be lawful for Her Majesty by Order in Council from Time to Time to do all or any of the following Things; namely,

(*a.*) To make Regulations for carrying out, enforcing, and giving Effect to both the Entry and Registry of *British* Sea-Fishing

Fishing Boats, and also Articles Four, Five, Six, Seven, and Eight of the First Schedule to this Act:

(*b.*) To adopt in such Regulations any existing System of Registry or lettering and numbering of Boats, and to provide for bringing any such System into conformity with the Requirements of the Convention and this Act, and with the said Regulations:

(*c.*) To define the Boats or Classes of Boats to which such Regulations or any of them are to apply, and to provide for the Exemption of any Boats or Classes of Boats from such Regulations or any of them, and from the Provisions of this Part of this Act with respect to Entry or Registry and the Possession of a Certificate of Registry and Official Papers:

(*d.*) To apply to the Entry and Registry respectively of Sea-Fishing Boats so defined, and to all Matters incidental thereto, such (if any) of the Enactments contained in any Act relating to the Registry of *British* Ships, and with such Modifications and Alterations as may be found desirable:

(*e.*) To impose Penalties not exceeding Twenty Pounds for the Breach of any Regulations made by any Order in Council, for the Breach of which a Punishment cannot be provided by the Application of the Enactments contained in any Act relating to the Registry of *British* Ships:

(*f.*) To alter and revoke an Order so made:

And every such Order shall be of the same Force as if it were enacted in this Act.

As to Effect of Registry.

24. In all Proceedings against the Owner or Master of or any Person belonging to any Boat registered or entered in the Register for Sea-Fishing Boats for Offences against the Fishery Regulations or Regulations as to Lights in this Act, and in all Actions or Suits for the Recovery of Damages for Injury done by any such Boat, such Register, or the Register under any Act relating to the Registry of *British* Ships as to Boats registered therein, shall be conclusive Evidence that the Persons registered at any Date as Owners of such Boat were at that Date Owners thereof, and that the Boat is a *British* Sea-Fishing Boat: Provided that—

(1.) This Provision shall not prevent any Proceedings, Action, or Suit being taken or instituted against any Person not registered who is beneficially interested in the Boat:

(2.) This Provision shall not affect the Rights of the Owners among themselves, or the Rights of any registered Owner against

against any Person not registered who is beneficially interested in the Boat:

(3.) Save as aforesaid, Entry or Registry in the Register for Sea-Fishing Boats shall not confer, take away, or affect any Title to or Interest in any Sea-Fishing Boat.

Sect. 207 of 16 & 17 Vict. c. 107. not to apply to certain Boats.

25. The Two hundred and seventh Section of the Customs Consolidation Act, 1853, shall not apply to any *British* Sea-Fishing Boat entered or registered in pursuance of this Part of this Act.

Sea-Fishing Boats within exclusive Limits to have Official Papers.

26. Subject to any Exemptions allowed by or in pursuance of such Order in Council, the Master of every Sea-Fishing Boat within the exclusive Fishery Limits of the *British* Islands, and of every *British* Sea-Fishing Boat outside of those Limits, shall have on board his Boat, if it is a *British* Sea-Fishing Boat required by this Part of this Act to be entered or registered, the Certificate of Registry or Official Papers issued to the Boat in pursuance of any Act relating to the Registry of *British* Ships, or of this Part of this Act, and if it is not *British*, then Official Papers evidencing the Nationality of such Boat.

The Master of any such Boat who acts in contravention of this Section, unless there is a reasonable Cause for not having such Certificate or Official Papers (Proof whereof shall lie on him), shall be liable, together with his Boat and Crew, to be taken by any Sea-Fishery Officer, without Warrant, Summons, or other Process, into the nearest or most convenient Port, and there to be ordered by the Court, on any Proceeding in a summary Manner, to pay a Penalty not exceeding Twenty Pounds, and if such Penalty is not paid, and the Boat is not *British*, such Boat may be detained in Port for a Period not exceeding Three Months from the Date of the Sentence.

PART III.

Oyster Fisheries.

Note.—As to this Part see 29 & 30 Vict. c. 85. and 30 & 31 Vict. c. 18.

Preliminary.

Part III. not to apply to Places herein stated.

27. This Part of this Act shall not interfere with the Jurisdiction or Powers now possessed by the *Irish* Fishery Commissioners with regard to Oyster Fisheries, and shall not apply to *Ireland*, the *Isle of*

of Man, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or their Dependencies, or to the Seas adjoining the same, within the exclusive Fishery Limits of the *British* Islands, or to any Seas outside of those exclusive Fishery Limits.

Interpretation of certain Terms.

28. In this Part of this Act the Words "Oysters" and "Mussels" respectively include the Brood, Ware, Half-ware, Spat, and Spawn of Oysters and Mussels respectively.

In this Part of the Act the Expression "Oyster and Mussel Fishery" includes a Fishery for either Oysters or Mussels separately, and the Term "Oyster or Mussel Fishery" includes a Fishery for both Oysters and Mussels; and the Provisions of this Part of this Act shall be construed to apply in the Case of any Fishery to Oysters and Oyster Ground and Beds alone, or to Mussels and Mussel Ground and Beds alone, or to both Oysters and Mussels and Oyster and Mussel Ground and Beds, according as the Right of Fishery is for Oysters alone, or for Mussels alone, or for both Oysters and Mussels.

Order for Fishery.

Power to Board of Trade on Memorial to make Order for Oyster Fishery.

29. An Order for the Establishment or Improvement, and for the Maintenance and Regulation, of an Oyster and Mussel Fishery on the Shore and Bed of the Sea, or of an Estuary or tidal River, above or below, or partly above and partly below, Low-water Mark (which Shore and Bed are in this Part of this Act referred to as the Sea Shore), and including, if desirable, Provisions for the Constitution of a Board or Body Corporate for the Purpose of such Order, may be made under this Part of this Act, on an Application by a Memorial in that Behalf presented to the Board of Trade by any Persons desirous of obtaining such an Order (which Persons are in this Part of this Act referred to as the Promoters).

Publication of Draft Order and Notice to Owners of adjoining Lands, &c.

30. If on Consideration of the Memorial the Board of Trade think fit to proceed in the Case, the Promoters shall cause printed Copies of the Draft of the Order as proposed by them (with such Modifications, if any, as the Board of Trade require) to be published and circulated in such Manner as the Board of Trade think sufficient and proper for giving Information to all Parties interested, and shall give Notice of the Application, in such Manner as the Board of Trade direct or approve, to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers (if any) of the Portion of the Sea Shore to which the proposed Order relates, and of the Lands adjoining thereto.

31. During

Objections and Representations respecting Order.

31. During One Month after the first Publication of the Draft Order the Board of Trade shall receive any Objections or Representations made to them in Writing respecting the proposed Order.

Inquiry into proposed Order by public Sittings.

32. The Board of Trade shall, as soon as conveniently may be after the Expiration of the said Month, appoint some fit Person to act as Inspector respecting the proposed Order.

The Inspector shall proceed to make an Inquiry concerning the Subject Matter of the proposed Order, and for that Purpose to hold a Sitting or Sittings in some convenient Place in the Neighbourhood of the Portion of the Sea Shore to which the proposed Order relates, and thereat to take and receive any Evidence and Information offered, and hear and inquire into any Objections or Representations made respecting the proposed Order, with Power from Time to Time to adjourn any Sitting; and the Inspector may, for the Purpose of such Inquiry, take Evidence, and by Summons under his Hand require the Attendance of any Person, and examine him and any Person who attends before him, on Oath or otherwise, as he thinks expedient, and may administer an Oath or take any Affidavit or Declaration for the Purpose of the Inquiry; and any Person so summoned who, after Tender to him of his reasonable Expenses, refuses or neglects to obey such Summons, and any Person who refuses or neglects to answer any Question which the Inspector is authorized to ask, shall be liable, on summary Conviction, to a Penalty not exceeding Ten Pounds for each Offence; and any Person who wilfully gives false Evidence in any Examination on Oath in any such Inquiry, or in an Affidavit or Declaration to be used in any such Inquiry, shall be deemed guilty of Perjury.

Notice shall be published in such Manner as the Board of Trade direct of every such Sitting (except an adjourned Sitting) Fourteen Days at least before the holding thereof.

Report of Inspector as to proposed Order.

33. The Inspector shall make a Report in Writing to the Board of Trade setting forth the Result of the Inquiry, and stating whether in his Opinion the proposed Order should be approved, with or without Alteration, and if with any, then with what Alteration, and his Reasons for the same, and the Objections and Representations, if any, made on the Inquiry, and his Opinion thereon.

Settlement and making of Order.

34. As soon as conveniently may be after the Expiration of the said Month, or after the Receipt by the Board of Trade of the Report of the Inspector, they shall proceed to consider the Objections or Representations that have been made respecting the proposed Order and also the Report of the Inspector, and thereupon they shall either

either refuse the Application or settle and make an Order in such Form and containing such Provisions as they think expedient.

Publication of Order.

35. Where the Board of Trade make an Order, the Promoters shall cause it to be published and circulated in such Manner as the Board of Trade think sufficient for giving Information to all Parties interested, and shall give Notice of it, in such Manner as the Board of Trade direct or approve, to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers (if any) of the Portion of the Sea Shore to which the Order relates, and of the Lands adjoining thereto.

Expenses connected with Order.

36. All Expenses incurred by the Board of Trade in relation to any Memorial, or to any Order consequent thereon, shall be defrayed by the Promoters, and the Board of Trade shall, if they think fit, on or at any Time after the Presentation of the Memorial, require the Promoters to pay to the Board of Trade such Sum as the Board of Trade think requisite for or on account of those Expenses, or to give Security to the Satisfaction of the Board of Trade for the Payment of those Expenses on Demand.

Confirmation of Order by Act of Parliament.

37. An Order of the Board of Trade under this Part of this Act shall not of itself have any Operation, but the same shall have full Operation when and as confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Power to refer Order to a Select Committee if opposed.

38. If in the Progress through Parliament of a Bill confirming an Order a Petition is presented to either House of Parliament against the Order, the Bill, as far as it relates to the Order petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in case of a Private Bill.

As to Amendment of Order by Board of Trade.

39. The Board of Trade may from Time to Time make an Order for amending an Order that has been confirmed by Act of Parliament, and all the Provisions of this Part of this Act relative to an original Order shall apply also to an amending Order, *mutatis mutandis*.

Effect of Grant of Several Oyster Fishery.

40. Where an Order of the Board of Trade under this Part of this Act confers a Right of Several Oyster and Mussel Fishery, the Persons obtaining the Order, in this Act referred to as the Grantees, shall, by virtue of the Order and of this Part of this Act, but subject to any Restrictions and Exceptions contained

tained in the Order, have, within the Limits of the Fishery, the exclusive Right of depositing, propagating, dredging, and fishing for, and taking Oysters and Mussels, and in the Exercise of that Right may, within the Limits of the Fishery, proceed as follows, namely, make and maintain Oyster and Mussel Beds or either of them, and at any Season collect Oysters and Mussels, and remove the same from Place to Place, and deposit the same as and where they think fit, and do all other Things which they think proper for obtaining, storing, and disposing of the Produce of their Fishery.

Effect of Grant of Power of regulating Fishery.

41. Where an Order of the Board of Trade under this Part of this Act, without conferring a Right of Several Oyster and Mussel Fishery, confers a Right of regulating an Oyster and Mussel Fishery, and imposes Restrictions on or makes Regulations respecting the dredging and fishing for and taking Oysters and Mussels, or either of them, within the Limits of the regulated Fishery, or imposes Tolls or Royalties upon Persons dredging, fishing for, and taking Oysters and Mussels, or either of them, within the Limits of such Fishery, the Persons obtaining the Order, in this Act included in the Term the Grantees, shall, by virtue of the Order and of this Part of this Act, but subject to any Restrictions and Exceptions contained in the Order, have Power to do all or any of the following Things; namely,

(*a.*) To carry into effect and enforce such Restrictions and Regulations:

(*b.*) To levy such Tolls or Royalties:

(*c.*) To provide for depositing and propagating Oysters and Mussels within the Limits of the Fishery, and for improving and cultivating the Fishery.

All such Restrictions, Regulations, Tolls, and Royalties shall be imposed on and apply to all Persons equally, and shall be for the Benefit of the Fishery only, and the Tolls and Royalties shall be applied in the Improvement and Cultivation of the Fishery.

Any Person who dredges or fishes for or takes any Oysters or Mussels in contravention of any such Restriction or Regulation, or without paying any such Toll or Royalty, shall be liable on summary Conviction to pay a Penalty not exceeding Twenty Pounds, and to forfeit all Oysters and Mussels so taken, or a Sum equal to the Value thereof if they have been sold, which Forfeiture may be enforced in the same Manner as a Penalty.

The Court may direct such Forfeiture to be delivered or paid to the Grantees to be applied by them for the Improvement and Cultivation of the Fishery.

42. When-

Proof of marking of Limits.

42. Whenever it is necessary in any legal Proceeding to prove that, in pursuance of any Act of Parliament or of an Order under this Part of this Act, the Limits of any Oyster and Mussel Fishery have been duly buoyed or otherwise marked, or Notices of such Limits have been duly published, posted, or distributed, or that Notice of the Provisions of the Order or of such Act relating to the Oyster and Mussel Fishery has been duly published, a Certificate purporting to be under the Hand of One of the Secretaries or Assistant Secretaries of the Board of Trade, certifying that the Board of Trade are satisfied that the said Limits were so buoyed or marked, or that the said Notices were duly published, posted, or distributed, shall be received as Evidence that the same have been so buoyed or marked, or that the said Notices have been so published, posted, or distributed.

Fishery to be within County for Purposes of Jurisdiction.

43. The Portion of the Sea Shore to which an Order of the Board of Trade under this Part of this Act relates (as far as it is not by Law within the Body of any County) shall for all Purposes of Jurisdiction be deemed to be within the Body of the adjoining County, or to be within the Body of each of the adjoining Counties, if more than One.

Limitation on Term of Several Fishery.

44. The Board of Trade shall not in any Case make an Order conferring a Right of Several Oyster and Mussel Fishery, or a Right of regulating an Oyster and Mussel Fishery, for a longer Period at once than Sixty Years.

Condition for Cesser of Several Fishery, if no adequate Benefit.

45. A Right of Several Oyster or Mussel Fishery conferred by an Order of the Board of Trade under this Part of this Act, or by "The *Roach River* Oyster Fishery Act, 1866," and a Right of regulating an Oyster and Mussel Fishery, shall, notwithstanding anything in the Order or in the said Act, be determinable by a Certificate of the Board of Trade (which Certificate they are hereby empowered to make) certifying to the Effect that the Board of Trade are not satisfied that the Grantees under the Order, or the Company under the said Act (as the Case may be), are properly cultivating the Oyster or Mussel Ground within the Limits of such Fishery, or are properly carrying into effect and enforcing the Restrictions and Regulations, and levying the Tolls or Royalties; and on any such Certificate being made, the Right of Several Fishery or Right of regulating the Fishery (as the Case may be) by such Order or the said Act conferred shall, by virtue of this Part of this Act and of the Certificate, be absolutely determined, and all Provisions of this Part of this Act or of the

the said Act shall cease to operate in relation to such Fishery as a Several Oyster and Mussel Fishery or as a regulated Fishery.

For the Purposes of this Provision the Board of Trade may from Time to Time, with respect to any such Fishery, make such Inquiries and Examination by an Inspector or otherwise, and require from the Grantees or Company such Information, as the Board of Trade think necessary or proper, and the Grantees or Company shall afford all Facilities for such Inquiries and Examination, and give such Information, accordingly.

Consent with respect to Rights of the Crown or Duchies of Lancaster and Cornwall.

46. Where any Portion of the Sea Shore proposed to be comprised in an Order of the Board of Trade under this Part of this Act belongs to Her Majesty, Her Heirs or Successors, in right of the Crown, but is not under the Management of the Board of Trade, or forms Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Board of Trade shall not make the Order without such Consent as herein-after mentioned; namely,

In the first-mentioned Case of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them:

In the secondly-mentioned Case of the Chancellor of the Duchy of *Lancaster* in Writing under his Hand attested by the Clerk of the Council of the Duchy:

In the thirdly-mentioned Case of the Duke of *Cornwall*, or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy of *Cornwall*.

Compensation to Landowners, &c.

47. Where any Portion of the Sea Shore comprised in an Order of the Board of Trade under this Part of this Act does not belong to Her Majesty, Her Heirs or Successors, in right of the Crown, or form Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, the Board of Trade shall incorporate in the Order "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation (*Scotland*) Act, 1845," as the Case requires, and shall apply the Provisions thereof respectively to the Purchase or taking of such Portion of the Sea Shore.

Order of Board of Trade not to abridge Right of Several Fishery, &c.

48. No Order made by the Board of Trade under this Part of this Act shall take away or abridge any Right of Several Fishery, or any Right on, to, or over any Portion of the Sea Shore, which Right is enjoyed by any Person under any Local or Special Act of Parliament, or any Royal Charter, Letters Patent, Prescription, or immemorial Usage, without the Consent of such Person.

49. The

Copies of Orders and Acts printed by Queen's Printer to be kept for Sale.

49. The Persons obtaining an Order under this Part of this Act shall at all Times keep at some convenient Place, in the Neighbourhood of the Portion of the Sea Shore to which the Order relates, Copies of the Order with the Act confirming it, and of this Part of this Act, printed respectively by some of Her Majesty's Printers, and shall sell such Copies to all Persons desiring to buy them at a Price not exceeding Sixpence for One Copy of this Part of this Act and of the Order and of the Act confirming it together.

If any such Persons fail to comply with this Provision, they shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding One Pound for every Day during which such Failure continues after the Day on which the First Penalty is incurred.

Annual Report of Board of Trade.

50. There shall be annually laid before both Houses of Parliament a Report of the Board of Trade respecting the Applications to and Proceedings of the Board of Trade under this Part of this Act during each Year.

Protection of Oyster Beds.

Property in Oysters, &c. within Several Fishery.

51. All Oysters and Mussels being in or on an Oyster or Mussel Bed within the Limits of a Several Oyster and Mussel Fishery granted by an Order under this Part of this Act, and all Oysters being in or on any private Oyster Bed which is owned by any Person independently of this Act, and is sufficiently marked out or sufficiently known as such, shall be the absolute Property of the Grantees or of such Owner, as the Case may be, and in all Courts of Law and Equity and elsewhere, and for all Purposes, civil, criminal, or other, shall be deemed to be in the actual Possession of the Grantees and such Owner respectively.

Property in Oysters, &c. removed from Several Fishery.

52. All Oysters and Mussels removed by any Person from an Oyster or Mussel Bed within the Limits of any such Several Fishery, and all Oysters removed by any Person from any such private Oyster Bed, and not either sold in Market overt or disposed of by or under the Authority of the Grantees or Owner (as the Case may be), shall be the absolute Property of the Grantees and Owner respectively, and in all Courts of Law and Equity and elsewhere, and for all Purposes, civil, criminal, or other, the absolute Right to the Possession thereof shall be deemed to be in the Grantees and Owner respectively.

53. It

Protection of Several Fishery.

53. It shall not be lawful for any Person other than the Grantees, their Agents, Servants, and Workmen, within the Limits of any such Several Fishery, or in any Part of the Space within the same described in this Behalf in the Order, or other than the Owner of any such private Oyster Bed, his Agents, Servants, and Workmen, within the Limits of such Bed, knowingly to do any of the following Things:

To use any Implement of Fishing, except a Line and Hook or a Net adapted solely for catching floating Fish, and so used as not to disturb or injure in any Manner any Oyster or Mussel Bed, or Oysters or Mussels, or the Oyster or Mussel Fishery:

To dredge for any Ballast or other Substance except under a lawful Authority for improving the Navigation:

To deposit any Ballast, Rubbish, or other Substance:

To place any Implement, Apparatus, or Thing prejudicial or likely to be prejudicial to any Oyster or Mussel Bed, or Oysters or Mussels, or to the Oyster or Mussel Fishery, except for a lawful Purpose of Navigation or Anchorage:

To disturb or injure in any Manner, except as last aforesaid, any Oyster or Mussel Bed, or Oysters or Mussels, or the Oyster or Mussel Fishery:

And if any Person does any Act in contravention of this Section he shall be liable to the following Penalty, namely, to a Penalty not exceeding Two Pounds for the First Offence, and not exceeding Five Pounds for the Second Offence, and not exceeding Ten Pounds for the Third and every subsequent Offence; and every such Person shall also be liable to make full Compensation to the Grantees and Owner respectively for all Damage sustained by them or him by reason of his unlawful Act, and in default of Payment the same may be recovered from him by the Grantees and Owner respectively by Proceedings in any Court of competent Jurisdiction (but not in a summary Manner, whether he has been prosecuted for or convicted of an Offence against this Section or not.

Limits of Fishery to be kept marked out.

54. Provided always, That nothing in the last foregoing Section shall make it unlawful for any Person to do any of the Things therein mentioned,—

(*a.*) In the Case of a Fishery granted by an Order under this Part of this Act, if at the Time of his doing the same the Limits of the Several Fishery or of the Space within the same described in that Behalf in the Order are not sufficiently marked out in manner prescribed by or under the Order, or

or if Notice of those Limits has not been given to him in manner so prescribed:

(*b.*) In the Case of a private Oyster Bed owned by any Person independently of this Act, if it is not sufficiently marked out and known as such.

Contiguous Fisheries.

55. When Two or more Oyster or Mussel Beds or Fisheries belonging to different Proprietors are contiguous to each other, and any Proceeding by Indictment or otherwise is taken against any Person for stealing Oysters or Mussels from any Bed formed under an Order made in pursuance of this Part of this Act, or for stealing Oysters from any Bed formed independently of this Act, it shall be sufficient, in alleging and proving the Property and lawful Possession of the Oysters or Mussels stolen, and the Place from which they were stolen, to allege and prove that they were the Property of and in the lawful Possession of one or other of such Proprietors, and were stolen from one or other of such contiguous Beds or Fisheries.

Application of Act to Orders, &c. under 29 & 30 Vict. c. 85.

56. This Part of this Act shall, as to all Orders made under the Oyster and Mussel Fisheries Act, 1866, which have been or may be confirmed in this Session of Parliament, apply in the same Manner as if they had been made and confirmed in pursuance of this Part of this Act.

All Orders made under the Oyster and Mussel Fisheries Act, 1866, before the Commencement of this Act, and not so confirmed, and all Proceedings taken before the Commencement of this Act with a view to obtain any such Orders, shall have Effect and be proceeded with as if they had been respectively made and taken under this Part of this Act.

PART IV.

Legal Proceedings.

Mode of recovering Penalties.

57. All Penalties, Offences, and Proceedings under this Act, or under any Order in Council made thereunder, (except any Felony, and except as otherwise provided,) may be recovered, prosecuted, and taken in a summary Manner, and—

In *England*, before any Justice, and

In

In *Scotland*, before any Court or Judge acting under the Summary Procedure Act, 1864, and any Act amending the same, in manner directed by those Acts, and

In the *Isle of Man*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, before any Court, Governor, Deputy Governor, Deemster, Jurat, or other Magistrate, in the Manner in which the like Penalties, Offences, and Proceedings are by Law recovered, prosecuted, and taken, or as near thereto as Circumstances admit.

Appeal.

58. If any Person feels aggrieved by any Conviction under this Act, or by any Determination or Adjudication of the Court with respect to any Compensation under this Act, where the Sum adjudged to be paid exceeds Five Pounds, or the Period of Imprisonment adjudged exceeds One Month, he may appeal therefrom in manner following; (that is to say,)

In *England*, in manner directed by Law, subject, in the City of *London* and the Metropolitan Police District, to the Enactments in that Behalf made, and subject elsewhere to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Court whose Decision is complained of has Jurisdiction, holden not less than Fifteen Days and not more than Four Months after the Decision of the Court from which the Appeal is made:
2. The Appellant shall within Three Days after the said Decision give Notice in Writing to the other Party of his Intention to appeal, and the Ground of such Appeal:
3. Immediately after such Notice the Appellant shall before a Justice of the Peace enter into Recognizances with Two sufficient Sureties conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the Appeal, and upon the Hearing thereof they may reverse, confirm, or modify the Decision of the Justice or Justices, with or without Costs to be paid by either Party:

In *Ireland*, in manner directed by the Petty Sessions, *Ireland*, Act, 1851, and any Act amending the same:

In *Scotland*, the *Isle of Man*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, in manner in which Appeals from the like Convictions and Determinations and Adjudications are made.

59. Where

Proceedings where Offender belongs to a French Boat.

59. Where a Person belonging to a *French* Sea-Fishing Boat is charged with having committed outside of the exclusive Fishery Limits of the *British* Islands an Offence against the Fishery Regulations of this Act, the Court shall have Jurisdiction to hear and shall hear the Case in the same Manner as if such Person were liable to a Penalty under this Act, subject to the following Provisions:

(1.) The Statement on Oath of each Witness shall be put into Writing, and such Writing, in this Act referred to as the Deposition, shall (in the Presence of the Accused, unless he has left the Port,) be read over to and signed by the Witness and by the Person or One of the Persons who constitute the Court:

(2.) After the Examination of all the Witnesses has been completed the Court shall inquire whether the Accused has any Answer to make to the Accusation, and shall warn him that what he says may be given in Evidence against him:

(3.) Any Statement made by the Accused shall be put into Writing, and signed by the Person or Persons constituting the Court, and added to the Depositions:

(4.) If the Court is of opinion that the Evidence is not sufficient to put the Accused upon his Trial, or to raise a strong or probable Presumption of his Guilt, the Court shall order him to be discharged. If the Court is of the contrary Opinion, the Court shall make an Order directing him to be sent back to *France* for Trial, and directing the Depositions to be sent to the Collector of Customs of the Port for Transmission to the *British* Consular Officer of the Port to which the Accused belongs:

(5.) All Proceedings under this Section shall, if possible, be completed before the Expiration of Three clear Days after the Arrival of the Offender at the Port in the *British* Islands.

Jurisdiction of Courts.

60. For the Purpose of giving Jurisdiction to Courts under this Act the following Provisions shall have Effect:

(1.) A Sea-Fishing Boat shall be deemed to be a Ship within the Meaning of any Act relating to Offences committed on board a Ship:

(2.) The same Court shall have Power to exercise the Jurisdiction conferred by this Act with respect to an Offence committed by a Foreign Subject as would have Jurisdiction to try such Offence if it had been committed by a *British* Subject.

61. If

Evidence taken in France.

61. If any Offender belonging to a *British* Sea-Fishing Boat is taken into a *French* Port in pursuance of the Convention, the Depositions, Minutes, and other Documents, authenticated in manner provided by Article Twenty-eight of the Convention, shall be receivable in Evidence without further Proof of their Authenticity, and a Certificate under the Seal of a *French* Consular Officer in the *British* Islands that such Documents have been so authenticated shall be conclusive Evidence of the Fact.

If the Depositions were taken in the Presence of and so as to be understood by the Accused, or if the Accused had an Opportunity of cross-examining the Deponents, or if the Minutes are Minutes of a Judicial Proceeding at which the *British* Consular Officer of the Port was present, and in which the Matter in dispute was fairly investigated, and the Accused had an Opportunity of making his Defence, the *British* Consular Officer shall certify such Fact or Facts under his Hand and Seal, and until the contrary is proved such Certificate shall be sufficient Evidence of the Matters therein stated, and such Seal, Signature, and Certificate shall be deemed to be a Seal, Signature, and Document within the Meaning of Sections Three and Five of the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Forty-two, intituled *An Act to enable Diplomatic and Consular Agents abroad to administer Oaths and do Notarial Acts.*

Service to be good if made personally or on board Ship.

62. Service of any Summons or other Matter in any legal Proceeding under this Act shall be good Service if made personally on the Person to be served, or at his last Place of Abode, or if made by leaving such Summons for him on board any Sea-Fishing Boat to which he may belong, with the Person being or appearing to be in command or charge of such Boat.

Masters of Boats liable to Penalties imposed.

63. Where any Offence against the Fishery Regulations of this Act has been committed by some Person belonging to any Sea-Fishing Boat, the Master or Person for the Time being in charge of such Boat shall in every Case be liable to pay any Penalty imposed or Compensation awarded in respect of such Offence, unless the Person who actually committed such Offence is proved guilty to the Satisfaction of the Court.

Any Penalty under this Act, except a Penalty for the Non-payment of which Detention in a Port is specially provided as the Remedy, may be recovered in the ordinary Way, or, if the Court think fit so to order, by Distress or Poinding and Sale of the Sea-Fishing Boat to which the Offender belongs, and her

Tackle, Apparel, and Furniture, and any Property on board thereof or belonging thereto, or any Part thereof.

Application of Penalties.

64. The Court imposing any Penalty or enforcing any Forfeiture under this Act may, if it think fit, direct the whole or any Part thereof to be applied in or towards Payment of the Expenses of the Proceedings; and, subject to such Direction, and to any Direction given under any express Provision in this Act, all Penalties and Forfeitures recovered under this Act shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may direct, and shall be carried to the Consolidated Fund.

Saving of Rights as herein stated.

65. Nothing in this Act shall prevent any Person being liable under any other Act or otherwise to any Indictment, Proceeding, Punishment, or Penalty, other than is provided for any Offence by this Act, so that no Person be punished twice for the same Offence.

Nothing in this Act, or in any Order in Council made thereunder, nor any Proceedings under such Act or Order with respect to any Matter, shall alter the Liability of any Person in any Action or Suit with reference to the same Matter, so that no Person shall be required to pay Compensation twice in respect of the same Injury.

PART V.

Miscellaneous.

Confirmation of Treaties for exempting from DuesForeign Sea-Fishing Boats entering British Ports from Stress of Weather.

66. Whereas by a Convention concluded between the United Kingdom and *France* on the Twenty-sixth Day of *January* One thousand eight hundred and twenty-six it was, amongst other Matters, agreed that Sea-Fishing Boats of either Country, when forced by Stress of Weather to seek Shelter in the Ports or on the Coasts of the other Country, should on certain Conditions be exempted from all Dues to which they would otherwise be liable, and Doubts have arisen whether that Part of the said Convention has ever been confirmed by the Authority of Parliament, and it is expedient to remove such Doubts, and to enable Her Majesty to provide for the due Execution of the said Convention and of any other like Convention or Treaty which may be made by Her Majesty: Be it enacted, That where any such Convention or Treaty as mentioned in this Section has been or may hereafter be concluded with any Foreign Country, Her Majesty may by Order in Council direct that every Sea-Fishing Boat belonging to such Foreign Country, when forced by

by Stress of Weather to seek Shelter in any Port or Place in the *British* Islands, shall, if it does not discharge or receive on board any Cargo, and complies with the other Conditions, if any, specified in such Order, be exempt from all Dues, Tolls, Rates, Taxes, Duties, Imposts, and other Charges to which it would otherwise be liable in such Port or Place, and every such Boat shall be exempt accordingly.

Regulations for Oyster Fisheries off the Irish Coast.

67. The *Irish* Fishery Commissioners may from Time to Time lay before Her Majesty in Council Byelaws for the Purpose of restricting or regulating the dredging for Oysters on any Oyster Beds or Banks situate within the Distance of Twenty Miles measured from a straight Line drawn from the Eastern Point of *Lambay Island* to *Carnsore Point* on the Coast of *Ireland*, outside of the exclusive Fishery Limits of the *British* Islands, and all such Byelaws shall apply equally to all Boats and Persons on whom they may be binding.

It shall be lawful for Her Majesty, by Order in Council, to do all or any of the following Things; namely,

(*a*) To direct that such Byelaws shall be observed:

(*b*) To impose Penalties not exceeding Twenty Pounds for the Breach of such Byelaws:

(*c*) To apply to the Breach of such Byelaws such (if any) of the Enactments in force respecting the Breach of the Regulations respecting *Irish* Oyster Fisheries within the exclusive Fishery Limits of the *British* Islands, and with such Modifications and Alterations as may be found desirable:

(*d*) To revoke or alter any Order so made.

Provided that the Length of Close Time prescribed by any such Order shall not be shorter than that prescribed for the Time being by the *Irish* Fishery Commissioners in respect of Beds or Banks within the exclusive Fishery Limits of the *British* Islands.

Every such Order shall be binding on all *British* Sea-Fishing Boats, and on any other Sea-Fishing Boats in that Behalf specified in the Order, and on the Crews of such Boats.

Regulation as to Seine-Fishing in Cornwall.

68. On the Coast of *Cornwall*, except so much of the North Coast as lies to the East of *Trevose Head*, no Person between the Twenty-fifth of *July* and Twenty-fifth of *November* in any Year—

(*a*) shall, from Sunrise to Sunset, within the Distance of Two Miles from the Coast, measured from Low-water Mark (whether in Bays or not), use a Drift Net or Trawl Net, or

(*b*) shall,

(*b*) shall, within Half a Mile of any Sea-Fishing Boat stationed for Seine-Fishing, anchor any Sea-Fishing or other Boat (not being a Boat engaged in Seine-Fishing), or lay, set, or use any Net, Boulter, or Implement of Sea-Fishing (except for the Purpose of Seine-Fishing):

Any Person who acts in contravention of this Section shall be liable on summary Conviction to a Penalty not exceeding Twenty Pounds, which may be recovered in the same Manner as a Penalty for an Offence against the Fishery Regulations of this Act.

As to Publication and Evidence of Orders in Council.

69. With respect to any Orders in Council made in pursuance of this Act, the following Provisions shall have Effect:

(1.) They shall be published in the *London Gazette*, or otherwise published in such Manner as the Board of Trade may direct for such sufficient Time before they come into force as to prevent Inconvenience:

(2.) They may be proved in any legal Proceeding by the Production of a Copy of the Gazette containing the said Advertisement, or of a Copy of the Orders or Regulations purporting to be printed by the Printer to Her Majesty.

Application of Act.

70. The Enactments in this Act which are restricted in Terms to the Seas outside the exclusive Fishery Limits of the *British* Islands or to any particular Part of the *British* Islands and the Seas adjoining the same shall apply only to those Seas and such Part, but, save as aforesaid, this Act shall apply to the Seas adjoining the Coasts of *France* specified in Article Three of the First Schedule to this Act outside of the exclusive Fishery Limits of *France*, and to the whole of the *British* Islands as defined by this Act, and to the Seas surrounding the same, whether within or without the exclusive Fishery Limits of the *British* Islands, and the Royal Courts of *Guernsey* and *Jersey* shall register this Act in their respective Courts.

Provided that nothing in this Act relating to Oyster or Mussel Fisheries, or to Oysters or Mussels, shall in any way whatever alter, interfere with, or affect the Jurisdiction which the *Irish* Fishery Commissioners would have Power to exercise over the Seas surrounding *Ireland* and over the Oyster Fisheries and Oyster Beds in those Seas if this Act had not passed.

Repeal of Acts as in Second Schedule.

71. The Enactments described in the Second Schedule to this Act are hereby repealed:

Provided that—

1st. This Repeal shall not affect the Validity or Invalidity of anything already done or suffered, or any Right or Title conferred

conferred by or in pursuance of any Enactment hereby repealed, or already acquired or accrued, or any Remedy or Proceeding in respect thereof, or any Proof of any past Act or Thing, or any Offence committed before the Commencement of this Act, or any Penalty or Proceeding in respect thereof:

2d. This Repeal shall not revive or restore any Jurisdiction, Toll, Imposition, Office, Duty, Bounty, Franchise, Liberty, Custom, Privilege, Restriction, Exemption, Usage, or Practice not now existing or in force.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

CONVENTION between HER MAJESTY and the EMPEROR OF THE FRENCH, relative to FISHERIES in the SEAS between GREAT BRITAIN and FRANCE.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, having charged a Mixed Commission with preparing a revision of the Convention of the 2nd of August 1839, and of the Regulation of June 23, 1843, relative to the fisheries in the seas situated between Great Britain and France; and the members of that Commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of the fishermen of the two countries; their said Majesties have judged it expedient that the arrangements proposed by the said Commission should be sanctioned by a new Convention, and have for that purpose named as their Plenipotentiaries, that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom, a Member of Her Britannic Majesty's most Honourable Privy Council, Knight Grand Cross of the most Honourable Order of the Bath, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French;

And His Majesty the Emperor of the French, Leonel, Marquis de Moustier, Grand Cross of the Imperial Order of the Legion of Honour, &c. &c. &c., His Minister and Secretary of State for Foreign Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

British fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent

extent of the coasts of the British islands; and French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present Convention are geographical miles, whereof sixty make a degree of latitude.

ARTICLE II.

It is agreed that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present Convention, and signed by the respective Plenipotentiaries, shall be acknowledged by the High Contracting Parties, as defining from Point Meinga to Cape Carteret, the limits between which and the French shore the right of fishery shall be reserved exclusively to French fishermen, and these lines are as follows; that is to say,

The first line runs from the point A, three miles from low-water mark (Point Meinga bearing south) to the point B, of which the landmarks are Agon Tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the Semaphore on Grand Isle.

The second line runs from the said point B towards Agon Tower and the clump of trees upon Mount Huchon, in the direction north sixty-four degrees east, until, at the point C, it brings the windmill of Lingreville to bear due east.

The third line runs from point C due east towards Lingreville Windmill, until the Grand Huguenant is brought to bear on the Etat Rock at point D.

The fourth line runs from point D northward (keeping the Grand Huguenant in one with the Etat Rock) until it intersects at E a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs eastward from point E to point F, where the Steeple of Pirou is brought to bear in a line with the Sennequet Lighthouse.

The sixth line runs from point F due north to point G, where the Steeple of Blainville is brought in a line with the Sennequet Lighthouse.

The

The seventh line runs from point G in the direction of Pirou Steeple to point H, where the Lighthouse on Cape Carteret bears north twenty-four degrees west.

The eighth line runs from point H to point I nearly abreast of Port Bail; point I having for landmarks the Fort of Port Bail in a line with the Steeple of Port Bail.

And finally, the ninth line runs from point I to the Three Grunes at point K. where Cape Carteret bears east ten degrees north, in a line with Barneville Steeple.

It is further agreed that all the bearings specified in the present Article are to be taken according to the true meridian, and not according to the magnetic meridian.

ARTICLE III.

The arrangements of the present Convention shall apply beyond the fishery limits of both countries, as defined by the preceding Articles, to the seas surrounding and adjoining Great Britain and Ireland, and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster fishery shall, however, be observed only in the seas comprised within the limits herein-after described.

ARTICLE IV.

All British and French fishing boats shall be lettered and numbered.

In the United Kingdom there shall be a series of numbers for the fishing boats belonging to each collectorship of Customs, and in France a series of numbers for the fishing boats belonging to each district of Maritime Registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

ARTICLE V.

The letter (or letters) and number shall be placed on each bow of the boat, 3 or 4 inches (8 or 10 centimetres French) below the gunwale, and they shall be painted in white oil colour on a black ground.

For boats of 15 tons burthen and upwards the dimensions of the letters and numbers shall be 18 inches (45 centimetres French) in height, and $2\frac{1}{2}$ inches (6 centimetres French) in breadth.

For boats of less than 15 tons burthen, the dimensions shall be 10 inches (25 centimetres French) in height, and $1\frac{3}{4}$ inches (4 centimetres French) in breadth.

The same letter (or letters) and number shall also be painted on each side of the mainsail of the boat, in black oil colour on white sails,

sails, and in white oil colour on tanned or black sails. Such letter (or letters) and number on the sails shall be one-third larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 3 inches (8 centimetres French) in height and ½ inch (12 millimetres French) in breadth.

The letters, numbers, and names placed on the boats and on their sails shall not be effaced, covered, or concealed in any manner whatsoever.

ARTICLE VI.

All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they judge proper.

ARTICLE VII.

The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of Customs, be inserted on the licences or other official papers of those boats.

The letters and numbers of French fishing boats shall, after having been entered in the registry book kept at the Maritime Registry Office, be inserted on the muster rolls of those boats.

ARTICLE VIII.

The licences or other official papers of British fishing boats, and the muster rolls of French fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

ARTICLE IX.

The fishermen of both countries shall, whenever required, exhibit their licences or other official papers, or their muster rolls, to the commanders of the fishery cruizers, and to all other persons of either country appointed to superintend the fisheries.

ARTICLE X.

Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as herein-after expressed.

ARTICLE XI.

From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited outside the fishery limits which have been fixed for the two countries, between a line drawn from the North Foreland Light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the Channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the Customs authorities of one of the two countries in such a manner as to prevent its being made use of.

ARTICLE XII.

No boat shall anchor between sunset and sunrise on grounds where drift-net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents, or any other compulsory circumstances; but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about 3 feet (1 metre French) apart, and shall keep those lights up all the time the boat shall remain at anchor.

ARTICLE XIII.

Boats fishing with drift nets shall carry on one of their masts two lights, one over the other, 3 feet (1 metre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

ARTICLE XIV.

Subject to the exceptions or additions mentioned in the two preceding Articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

ARTICLE XV.

Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with drift nets than the distance above mentioned.

ARTICLE XVI.

No boat fishing with drift nets shall shoot its nets so near to any other boat which has already shot its nets on the fishing ground as to interfere with its operations.

ARTICLE XVII.

No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

ARTICLE XVIII.

If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the regulations prescribed by Articles XV., XVI., and XVII. preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that so prescribed; but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

ARTICLE XIX.

Nets shall not be set or anchored in any place where drift-net fishing is actually going on.

ARTICLE XX.

No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines, or other fishing implements belonging to another person.

ARTICLE XXI.

When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat except by mutual consent, and unless it be found impossible to clear them by other means.

ARTICLE XXII.

All fishing boats, all rigging gear or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the Receiver of Wreck if the article saved be taken into the United Kingdom, and to the Commissary of Marine if the article saved be taken into France.

The Receiver of Wreck or the Commissary of Marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

ARTICLE XXIII.

The execution of the regulations concerning lights and signals, licences, muster rolls, and official papers, the lettering and numbering

ing of boats and implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruizers and agents of their own nation.

Nevertheless, the commanders of the cruizers of one of the two nations shall acquaint the commanders of the cruizers of the other nation with any infractions of the above-mentioned regulations committed by the fishermen of such other nation which may come to their knowledge.

ARTICLE XXIV.

All infractions of the regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognizance of by the cruizers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXV.

The commanders of cruizers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as to damage arising from any cause whatever committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries; they may detain the offending boats and take them into the port nearest the scene of the occurrence, in order that the infraction or damage may be there duly established, as well by comparing the declarations and counter-declarations of the parties interested as by the testimony of those who were present.

ARTICLE XXVI.

When the offence shall not be such as to require exemplary punishment, but shall nevertheless have caused damage to any fisherman, the commanders of the cruizers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding Article.

ARTICLE XXVII.

Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding Articles shall be sent back to her own country for trial as soon as the infraction for which she may have been detained shall have been duly established.

Neither

Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

ARTICLE XXVIII.

The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the Collector of Customs in the United Kingdom, or by the Commissary of Marine in France, shall be transmitted by that functionary to the Consular Agent of his nation residing in the port where the trial is to take place.

Such Consular Agent shall communicate those documents to the Collector of Customs, or to the Commissary of Marine, as the case may be; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates of the country.

ARTICLE XXIX.

In both countries the competent Court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days, persons who may infringe the regulations of the Convention concerning—

1. The close season for oysters, and illegal possession of dredges on board during that season;
2. The letters, numbers, and names to be placed on the boats, sails, nets, and buoys;
3. The licences or muster rolls;
4. The flags and lights to be carried by the boats;
5. The distances to be observed by the boats between each other;
6. The placing and anchoring of vessels and boats;
7. The placing and shooting of nets and the taking them up;
8. The clearing of nets;
9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

ARTICLE XXX.

In all cases of assault committed or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other country, the Courts of the country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (10 francs), or to imprisonment for at least two days. They may, moreover, condemn the offenders to pay adequate compensation for the injury.

ARTICLE XXXI.

Fishing boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present Convention; but without prejudice to the opening by either country of any additional ports.

ARTICLE XXXII.

The fishing boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances:—

1. When driven by stress of weather or by evident damage.

2. When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.

3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.

4. When, during the herring fishing season, the herring boats of the one country shall find it necessary to anchor under shelter of the coasts of the other country, in order to await the opportunity for proceeding to their fishing ground.

5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding Article; but in such case they shall never have oyster dredges on board.

ARTICLE XXXIII.

When fishing boats, availing themselves of the privilege specified in Article XXXI., shall have oysters on board, they shall not carry any dredges or other implement for taking oysters.

ARTICLE XXXIV.

The commanders of cruizers may authorize boats belonging to their own country to cross the exclusive fishery limits of the other country, whenever the weather is so threatening as to compel them to seek shelter.

ARTICLE XXXV.

Whenever, owing to any of the exceptional circumstances specified in the three preceding Articles, the fishing boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (60 centimetres French) high, and three feet

feet (one metre French) long, and shall keep that flag flying at the masthead so long as they remain in such ports or within such limits. The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

ARTICLE XXXVI.

The commanders of the cruizers of each of the two countries, and all officers or other agents appointed to superintend fisheries, shall exercise their judgment as to infractions of the regulations with regard to the fishery limits, and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders, or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned by the competent Court or magistrate to a fine not exceeding 10 pounds (250 francs). In default of payment such boats may be detained for a period not exceeding three months.

In case of repetition of the offence the fine may be doubled.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as speedily and as summarily as the laws in force will permit.

ARTICLE XXXVIII.

The terms "British Islands" and "United Kingdom," employed in this Convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

ARTICLE XXXIX.

Her Britannic Majesty engages to recommend to Parliament to pass an Act to enable Her to carry into execution such of the arrangements contained in the present Convention as require legislative sanction. When such an Act shall have been passed, the Convention shall come into operation from and after a day to be then fixed upon by the two High Contracting Parties. Due notice shall be given in each country by the Government of that country of the day which may be so fixed upon.

ARTICLE XL.

The Convention shall continue in force for 10 years from the day on which it may come into operation, and if neither party shall, 12 months before the expiration of the said period of 10 years, give notice of its intention to terminate its operation, the Convention shall

shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The High Contracting Parties however reserve to themselves the power to make, by mutual consent, any modification in the Convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles on which it is based.

ARTICLE XLI.

The Convention concluded between the High Contracting Parties on the 2nd of August 1839, and the Regulations of the 23rd of June 1843, shall continue in force until the day when, as provided in Article XXXIX., the present Convention shall come into operation, and shall then altogether cease and determine.

ARTICLE XLII.

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

ADDITIONAL ARTICLE.

It is agreed that Article XXXI. of the Convention signed this day shall not come into operation until the two Contracting Parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

Declaration

Declaration annexed to the Convention of November 11, 1867.

The fishermen of each country shall not be allowed to land or discharge their fish in the other country except at places where there is a Custom House, and during office hours.

Immediately upon their arrival, and in all cases before they commence the discharge of their cargo, they shall present their muster roll, or licence, or official paper, to the proper officer of Customs, and shall pass an entry at the Custom House stating as nearly as possible the quantity of fish which they have on board.

If the master of a fishing boat cannot write, the officer of Customs shall fill up for him the form required, and the master shall affix his mark thereto.

The Custom House officers shall have power to board and search the fishing boats of the other country in the manner directed by the Customs laws.

During their stay in the ports of the other country, the fishermen of either country shall, if required to do so by the Customs authorities, deposit in a warehouse or in the Custom House, until their departure, all stores subject to duty, which shall not be necessary for their daily consumption. No charge shall be made for such warehousing.

The ports enumerated in the subjoined list, where there is a Custom House establishment, are those that shall be open in each country to the fishermen of the other country. In case the Customs establishment at any of those ports should be abolished, notice thereof shall be given to the Government of the other country.

List of the Ports in the United Kingdom open for the Importation of Fish by French Fishing Boats.

In England.

Bristol.	Liverpool.	Ramsgate.
Cardiff.	London.	Shields.
Dover, C.	Lowestoft.	Shoreham, C.
Folkestone, C.	Middlesborough.	Southampton, C.
Falmouth, C.	Newcastle.	Sunderland.
Grimsby.	Newhaven, C.	Swansea.
Hartlepool.	Newport.	Weymouth, C.
Harwich.	Portsmouth, C.	Whitby.
Hull.	Plymouth, C.	Yarmouth.

In Scotland.

Aberdeen.	Greenock.	Wick.
Glasgow.	Leith.	

Sea Fisheries.

In Ireland.

Belfast.
Cork.
Dublin.
Galway.
Waterford.

In the Channel Islands.

Jersey, C.
Guernsey, C.

The Ports in the Channel are marked with a C.

LIST of the Ports of the FRENCH EMPIRE open for the Importation of Fish by BRITISH FISHING BOATS.

Directions.	—
DUNKERQUE -	Gravelines.
	Dunkerque.
BOULOGNE -	Hourdel.
	St. Valéry-sur-Somme.
	Crotoy.
	Abbeville.
	Berck (plage maritime).
	Etaples.
	Boulogne.
	Calais.
LE HAVRE -	Harfleur.
	Le Havre.
	Fécamp.
	St. Valéry-en-Caux.
	Dieppe.
	Tréport.
	Eu.
ROUEN - -	Rouen.
	Croisset.
	Duclair.
	Caudebec.
CAEN - -	Isigny.
	Port-en-Bessin.
	Courceulles.
	Caen.
	Ouistreham.
	Trouville.
	Honfleur.
	Pont-Audemer.
SAINT LÔ -	Granville.
	Regneville.
	Portbail (Havre).
	Dielette.
	Carentan.
	Cherbourg.
	Barfleur.
	Saint Vaast.
	Omonville.
SAINT BRIEUC -	Lannion.
	Perros.
	Tréguier.

Directions.	—
Saint Brieuc —*suite.*	Lézardrieux.
	Pontrieux.
	Paimpol.
	Portrieux.
	Binic.
	Le Légué.
	Dahonet.
	Erquy.
	Le Guildo.
	Plouer.
	Dinan.
	Saint Suliac.
	Saint Servan.
	Saint Malo.
	La Houlle.
	Le Vivier.
BREST - -	Quimperlé.
	Douélan.
	Pontaven.
	Concarneau.
	Quimper.
	Pont l'Abbé.
	Audierne.
	Douarnenez.
	Morgat.
	Camaret.
	Port Launay.
	Le Faon.
	Landerneau.
	Brest.
	Le Conquet.
	Labrevrach.
	Roscoff.
	Morlaix.
VANNES -	Redon.
	La Roche-Bernard.
	Tréhiguier.
	Billiers.
	Pénerf.
	Ambon.
	Vannes.
	Belle-Croix.
	Sarzeau.
	Suscinio.
	Saint Armel.

Sea Fisheries.

Directions.	——	Directions.	——
Vannes—*suite.*	Novalo.	La Rochelle —*suite.*	Lusac (port sur canal).
	Quatre-vents.		Marennes (idem).
	Ile d'Ars (Ile du Morbihan).		Le Chapus.
	Port Novalo.		Le Château (Ile d'Oléron).
	Larmorbaden.		St. Pierre (idem).
	Locmariaquer.		St. Georges (idem).
	Auray.		St. Denis (idem).
	Rochdu.		Bronage (port sur canal).
	La Trinité.		Moëze.
	Carnac.		Charente.
	Porthaliguen.		Rochefort.
	Palais (Ile).		Fouran.
	Etel.		Ile d'Aix (Ile).
	Port Louis.		La Rochelle.
	Hennebon.		Lauzières.
	Lorient.		Marans.
	Kernevel.		La Flotte (Ile de Ré).
	Groix (Ile).		St. Martin (idem).
Nantes -	Noirmoutiers.		Loix (idem).
	St. Gilles.		Ars (idem).
	Ile d'Yeu.		Luçon (port sur canal).
	La Barre-de-Mont (pour sur canal).		L'Aiguillon.
			Les Sables.
	Beauvoir (idem).		Saint-Martin de Brem.
	Boin (idem).		
	Bourgneuf.	Bordeaux -	La Teste.
	Pornic.		Gujan.
	Paimbœuf.		Certes.
	Saint Nazaire.		Le Verdon.
	Nantes.		La Fosse (port sur canal).
	Chantenay.		Pauillac.
	La Basse-Indre.		Bordeaux.
	Port Nichet.		Libourne.
	Pouliguen.		Plaigne.
	Le Croisic.		Bourg.
	La Turballe.		Blaye.
	Le Rosais.		Montagne.
La Rochelle	La Tremblade.		Les Meschers.
	Mornac.		Royan.
	L'Eguille.		
	Le Gua.	Bayonne -	Saint Jean de Luz.
	Nieulle (port sur canal).		Bayonne.

In witness whereof the respective Plenipotentiaries have signed these Annexes to the Convention concluded this day, and have affixed thereto the seals of their arms.

At Paris, the 11th November 1867.

(L.S.) Lyons.
(L.S.) Moustier.

SECOND

SECOND SCHEDULE.

A description of a portion of an Act is inclusive of the section first or last mentioned, as forming the beginning or as forming the end of the portion comprised in the description.

Date of Act.	Title of Act.
4 Hen. 7. c. 21. -	An Act for yᵉ ꝑservac̃on of the frye of Fyshe.
7 Hen. 7. c. 9. [In Statutes of the Realm only.]	Orford.
5 Eliz. c. 5. - -	An Act touching certayne Politique Constitutions made for the Maintenance of the Navye.
13 & 14 Car. 2. c. 28.	An Act for the Regulation of the Pilchard Fishing in the Counties of Devon and Cornwall.
10 & 11 Will. 3. c. 24. [10 Will. 3. c. 13. in Statutes of the Realm.]	An Act for making Billingsgate a free Market for the Sale of Fish.
9 Anne, c. 26. - - [c. 28. in Statutes of the Realm.]	An Act for the better Preservation and Improvement of the Fishery within the River of Thames, and for regulating and governing the Company of Fishermen of the said River.
1 Geo. 1. s. 2. c. 18. -	An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving Leave to import Lobsters and Turbets in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.
2 Geo. 2. c. 19. -	An Act for regulating, well-ordering, governing, and improving the Oyster Fishery in the River Medway and Waters thereof, under the Authority of the Mayor and Citizens of the City of Rochester in the County of Kent.
29 Geo. 2. c. 23. - In part.	An Act for encouraging the Fisheries in that Part of Great Britain called Scotland - Except Sections One and Seventeen, so far as they relate to Scotland. In part; namely,

Sea Fisheries.

Date of Act.	Title of Act.
33 Geo. 2. c. 27. -	An Act to repeal so much of an Act passed in the Twenty-ninth Year of His present Majesty's Reign, concerning a free Market for Fish at Westminster, as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend; and to regulate the Sale of Fish at the First Hand in the Fish Markets at London and Westminster; and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of Five Inches, and for other Purposes.
2 Geo. 3. c. 15. In part. -	An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof, and to protect and encourage Fishermen - Except Section Seven. — In part; namely,
11 Geo. 3. c. 31. In part. -	An Act for the Encouragement of the White Herring Fishery - - - - Except Sections Eleven to Thirteen. — In part; namely,
19 Geo 3. c. 26. -	An Act to continue and amend an Act made in the Eleventh Year of His present Majesty's Reign, intituled "An Act "for the Encouragement of the White Herring Fishery."
26 Geo. 3. c. 45. -	An Act to continue and amend an Act made in the Twenty-fifth Year of the Reign of His present Majesty, for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.
26 Geo. 3. c. 81. In part. -	An Act for the more effectual Encouragement of the British Fisheries - - - - Except Section Nineteen. — In part; namely,
27 Geo. 3. c. 10. -	An Act to extend the Provisions of an Act made in the Twenty-sixth Year of His present Majesty's Reign, intituled "An Act for the more effectual Encouragement of "the British Fisheries."
30 Geo. 3. c. 54. -	An Act for vesting the Estates and Property of the Trustees of Westminster Fish Market in the Marine Society for the Purposes therein mentioned, and for discontinuing the Powers of the said Trustees.
31 Geo. 3. c. 45. -	An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.
35 Geo. 3. c. 54. -	An Act for the Encouragement of the Mackerel Fishery.
35 Geo. 3. c. 56. -	An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement "of the British Fisheries."

Date of Act.	Title of Act.
36 Geo. 3. c. 77. -	An Act to explain and amend an Act made in the last Session of Parliament, intituled "An Act for the Encouragement of the Mackerel Fishery."
36 Geo. 3. c. 118. -	An Act to authorize the Sale of Fish at Billingsgate by Retail.
37 Geo. 3. c. 94. -	An Act to continue an Act made in the Thirty-first Year of the Reign of His present Majesty, intituled "An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported."
38 Geo. 3. c. 58. -	An Act to continue until the First Day of March One thousand seven hundred and ninety-nine an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled "An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled 'An Act for the more effectual Encouragement of the British Fisheries.'"
39 Geo. 3. c. 100. In part. -	An Act to revive and continue until the End of the next Session of Parliament an Act made in the Thirty-fifth Year of the Reign of His present Majesty, to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries;" and to amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, for extending the Fisheries and improving the Sea Coast of this Kingdom - - - - Section One. — In part; namely,
39 & 40 Geo. 3. c. 85.	An Act to continue until the Fifth Day of April One thousand eight hundred and one, and amend, an Act of the last Session of Parliament, for continuing several Acts for the Encouragement of the British Fisheries.
39 & 40 Geo. 3. c. 107.	An Act to permit until Six Weeks after the Commencement of the next Session of Parliament the Importation of Swedish Herrings into Great Britain.
41 Geo. 3. sess. 2. c. 97.	*An Act the Title of which begins with the Words* "An Act to continue several Laws relating to encouraging the Fisheries," *and ends with the Words* "as relates to ascertaining the Strength of Spirits by Clarke's Hydrometer."
41 Geo. 3. sess. 2. c. 99.	An Act for granting Bounties for taking and bringing Fish to the Cities of London and Westminster, and other Places in the United Kingdom.
42 Geo. 3. c. 3. - -	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and three so much of an Act made in the Forty-first Year of the Reign of His present Majesty as relates to permitting the Use of Salt Duty-free in preserving of Fish, and to discontinuing the Bounty payable on White Herrings exported, and to indemnify all Persons who have issued or acted under any Orders for delivering Salt Duty-free for the Purposes in the said Act mentioned.

Sea Fisheries.

Date of Act.	Title of Act.
42 Geo. 3. c. 19. -	An Act to amend so much of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled "An Act for explaining, amending, "and rendering more effectual an Act made in the Twenty-"second Year of His present Majesty's Reign, intituled "'An Act for making a free Market for the Sale of Fish "'in the City of Westminster, and for preventing the "'forestalling and monopolizing of Fish, and for allowing "'the Sale of Fish, under the Dimensions mentioned "'in a Clause contained in an Act of the First Year "'of His late Majesty's Reign, in case the same are "'taken with a Hook,' as relates to the Sale of Eels."
42 Geo. 3. c. 79. -	An Act to revive and continue until the Fifth Day of April One thousand eight hundred and four, and to amend, several Acts passed in the Twenty-seventh, Thirty-fifth, and Thirty-ninth Years of His present Majesty's Reign, for the more effectual Encouragement of the British Fisheries; and to continue until the Fourteenth Day of June One thousand eight hundred and three, and from thence to the End of the then next Session of Parliament, so much of an Act of the Sixth Year of the Reign of His present Majesty as relates to the prohibiting the Importation of Foreign wrought Silks and Velvets.
42 Geo. 3. c. lxxxviii.	An Act for repealing so much of an Act made in the Second Year of the Reign of His present Majesty, intituled "An Act for the better supplying the Cities of London "and Westminster with Fish, and to reduce the present "exorbitant Price thereof; and to protect and encourage "Fishermen," as limits the Number of Fish to be sold by Wholesale within the said City of London, and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.
43 Geo. 3. c. 29. - -	*An Act the Title of which begins with the Words* "An Act to revive and continue," *and ends with the Words* "to "the End of the then next Session of Parliament."
44 Geo. 3. c. 86. - -	An Act for reviving, amending, and further continuing several Laws relating to the more effectual Encouragement of the British Fisheries until the Fifth Day of April One thousand eight hundred and six, and to the Encouragement of the Trade and Manufactures of the Isle of Man, to the improving the Revenue thereof; and the more effectual Prevention of smuggling to and from the said Island, until the Fifth Day of July One thousand eight hundred and five.
45 Geo. 3. c. 102. -	An Act to revive and continue an Act made in the Thirty-first Year of His present Majesty, intituled "An Act "for the Encouragement of the Pilchard Fishery by "allowing a further Bounty upon Pilchards taken, cured, "and exported."
46 Geo. 3. c. 34. -	An Act for further continuing until the Twenty-fifth Day of March One thousand eight hundred and seven an Act made in the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.

Sea Fisheries.

Date of Act.	Title of Act.
47 Geo. 3. sess. 2. c. 51.	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and eight an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
47 Geo. 3. sess. 2. c. 67.	An Act to permit, until the End of the next Session of Parliament, the Importation of Swedish Herrings into Great Britain.
48 Geo. 3. c. 86. -	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and nine an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
48 Geo. 3. c. 110. - In part.	An Act for the further Encouragement and better Regulation of the British White Herring Fishery until the First Day of June One thousand eight hundred and thirteen, and from thence to the End of the then next Session of Parliament - - - } In part; namely, Except Sections 4, 5, 7, 9, 10, 11, 12, 18, 31, 32, 34 to 45, 47 to 50, 51, 53, 54, and 56 to 60, so far as they relate to Scotland, and are not inconsistent with this Act.
50 Geo. 3. c. 54. -	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and eleven an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
50 Geo. 3. c. 108. - In part.	An Act to amend and enlarge the Powers of an Act passed in the Second Year of His present Majesty, for the Encouragement of the Fisheries of this Kingdom, and the Protection of the Persons employed therein - } In part; namely, Sections One to Four.
51 Geo. 3. c. 34. -	An Act for continuing the Premiums allowed to Ships employed in the Southern Whale Fishery.
51 Geo. 3. c. 101. -	An Act for amending an Act of the Forty-eighth Year of His present Majesty, for regulating the British White Herring Fishery.
52 Geo. 3. c. 42. -	An Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported until the Twenty-fourth Day of June One thousand eight hundred and nineteen.
54 Geo. 3. c. 102. -	An Act to continue until the End of the next Session of Parliament several Acts relating to the British White Herring Fishery.
55 Geo. 3. c. 94. - In part.	An Act to continue and amend several Acts relating to the British White Herring Fishery } In part; namely, Except Sections 1 to 4, 9 to 15, 17, 18, 20, 21, 23, 31 to 33, and 38 to 43, so far as they relate to Scotland, and are not inconsistent with this Act.

Sea Fisheries.

Date of Act.	Title of Act.
59 Geo. 3. c. 77. -	An Act to continue until the Twenty-fourth Day of June One thousand eight hundred and twenty-six an Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported.
1 Geo. 4. c. 82. -	An Act to amend an Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third for the Encouragement and Improvement of the Irish Fisheries.
1 Geo. 4. c. 103. -	An Act for the further Encouragement and Improvement of the British Fisheries.
1 & 2 Geo. 4. c. 79. - In part.	An Act to repeal certain Bounties granted for the Encouragement of the Deep Sea British White Herring Fishery, and to make further Regulations relating to the said Fishery - In part; namely, Except Section 9 and except Sections 3 and 5 so far as they relate to Scotland.
5 Geo. 4. c. 64. - In part.	An Act to amend the several Acts for the Encouragement and Improvement of the British and Irish Fisheries - - In part; namely, Sections 1 to 8.
7 Geo. 4. c. 34. -	An Act to amend an Act of the Fifth Year of His present Majesty, for amending the several Acts for the Encouragement and Improvement of the British and Irish Fisheries.
11 Geo. 4. & 1 Will. 4. c. 54. In part.	An Act to revive, continue, and amend several Acts relating to the Fisheries - - In part; namely, So much as relates to England, and so much as is inconsistent with this Act.
4 & 5 Will. 4. c. 20. -	An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, to regulate the Conveyance and Sale of Fish at first hand.
6 & 7 Vict. c. 79. -	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.
14 & 15 Vict. c. 26. - In part.	An Act to amend the Acts relating to the British White Herring Fishery - - In part; namely, Sections 5 and 6.
18 & 19 Vict. c. 101. -	An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.
23 & 24 Vict. c. 92. - In part.	An Act to amend the Law relative to the Scottish Herring Fisheries - - In part; namely, Sections 7, 11 to 13, and 25.
24 & 25 Vict. c. 72. - In part.	An Act to make further Provision for the Regulation of the British White Herring Fishery in Scotland - - - In part; namely, Sections 2, 3, and 6, and so much of the Remainder of the Act as is inconsistent with this Act.

Sea Fisheries.

Date of Act.	Title of Act.	
28 & 29 Vict. c. 22. - In part.	An Act to amend the Acts relating to the Scottish Herring Fisheries - - So much as is inconsistent with this Act.	In part; namely,
29 & 30 Vict. c. 85. -	An Act to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in Great Britain.	
30 & 31 Vict. c. 18. -	An Act for the Preservation and further Protection of Oyster Fisheries.	

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Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

***

Parliament each of such Divisions should consist of the Hundreds, Lathes, Wapentakes, and Places in the said Act specified:

And whereas by the said Act the Right Honourable Lord Viscount *Eversley*, the Right Honourable *Russell Gurney*, Sir *John Thomas Buller Duckworth* Baronet, Sir *Francis Crossley* Baronet, and *John Walter* Esquire, were appointed Boundary Commissioners for *England* and *Wales*, and were directed to proceed by themselves, or by Assistant Commissioners appointed by them, to inquire into the temporary Boundaries of every Borough constituted by the said Act, with Power to suggest such Alterations therein as they might deem expedient; and also to inquire into the Boundaries of every other Borough in *England* and *Wales*, except such as were wholly disfranchised by the said Act, with a view to ascertain whether the Boundaries should be enlarged in accordance with the Directions in that Behalf in the said Act contained; and also to inquire into the Divisions of Counties as constituted by the said Act, and as to the Places for holding Courts for the Election of Members for such Divisions, with a view to ascertain whether, having regard to the Matters in the said Act in that Behalf specified, any and what Alterations should be made in such Divisions or Places; and with all practicable Despatch to report to One of Her Majesty's Principal Secretaries of State upon the several Matters thereby referred to them; and it was by the said Act further directed that their Report should be laid before Parliament:

And whereas the said Commissioners have lately made their Report, dated the Fifth Day of *February* One thousand eight hundred and sixty-eight, in conformity with the said Act, upon the several Matters thereby referred to them, and such Report has been laid before Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Boundary Act, 1868."

Act to be construed with 2 & 3 W. 4. c. 64. and 30 & 31 Vict. c. 102.

2. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Act passed in the Session of the Second and Third Years of King *William* the Fourth, Chapter Sixty-four, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in* England *and* Wales, *in so far as respects the Election of Members to serve in Parliament*, and herein-after referred to as "The Boundary Act, 1832," and with "The Representation of the People Act, 1867."

3. "Borough"

Boundary.

3.—

Definition of certain Terms.

"Borough" shall mean any Borough, City, County of City, County of a Town, or Place returning, or being One of a Combination of Places returning, a Member or Members to serve in Parliament, other than a County at large, or Riding or Division of a County at large:

"New Borough" shall in this Act mean a Place constituted by "The Representation of the People Act, 1867," a Borough returning a Member or Members to serve in Parliament:

"Old Borough" shall in this Act mean any Borough returning, or being One of a Combination of Places returning, a Member or Members to serve in Parliament, and not included in the Definition of a new Borough:

"District Borough" shall mean a Combination of Boroughs returning a Member or Members to serve in Parliament.

Alteration of Boundaries of old Boroughs as specified in First Schedule.

4. The Boundaries of the following Boroughs, *viz.*, *Abingdon*, *Ashton-under-Lyne*, *Aylesbury*, *Barnstaple*, *Bath*, *Bewdley*, *Blackburn*, *Bolton-le-Moors*, *Bridgwater*, *Brighton*, *Cambridge*, *Chatham*, *Cheltenham*, *Chester*, *Chichester*, *Cirencester*, *Coventry*, *Derby*, *Droitwich*, *Dudley*, *Durham*, *Exeter*, *Finsbury*, *Gloucester*, *Greenwich*, *Guildford*, *Halifax*, *Hastings*, *Hertford*, *Huddersfield*, *Kidderminster*, *King's Lynn*, *Kingston-upon-Hull*, *Lewes*, *Macclesfield*, *Monmouth* District, *Morpeth*, *Newport* (*Isle of Wight*), *Northampton*, *Oldham*, *Oxford*, *Penryn and Falmouth*, *Peterborough*, *Plymouth*, *Preston*, *Richmond*, *Rochdale*, *Salisbury*, *Stafford*, *Stamford*, *Stoke-upon-Trent*, *Stroud*, *Sunderland*, *Taunton*, *Wakefield*, *Walsall*, *Wilton*, *New Windsor*, *Worcester*, *Beaumaris* District, *Cardiff* District, *Cardigan* District, *Carmarthen* District, *Carnarvon* District, *Denbigh* District, *Flint* District, *Merthyr Tydvil*, *Pembroke* District, *Swansea* District, shall be altered in manner specified in the First Schedule to this Act annexed; and such Boroughs shall, for all the Purposes within "The Representation of the People Act, 1867," and the Acts referred to therein, but for such Purposes only, include the Places and be comprised within the Boundaries which in such Schedule are respectively specified and described in conjunction with the Names of such Boroughs.

Save as aforesaid, the Boundaries of all old Boroughs shall remain unchanged.

Boundaries of new Boroughs as specified in Second Schedule.

5. The new Boroughs specified in the Second Schedule to this Act annexed shall, for all Purposes relating to the Election of a Member or Members to serve in Parliament, include the Places and be comprised within the Boundaries which in such Schedule are respectively

respectively specified and described in conjunction with the Names of such Boroughs.

The new Boroughs formed by the Division of the *Tower Hamlets* under "The Representation of the People Act, 1867," shall respectively comprise the Places described in Schedule (C.) to the said Act annexed.

Alterations of Names of Divisions of certain Counties contained in 30 & 31 Vict. c. 102.

6. The following Alterations shall be made in the Names of the Divisions of *Cheshire* and *Essex* and *Norfolk* contained in "The Representation of the People Act, 1867;" that is to say, "*North Cheshire*" shall be called "*East Cheshire*," "*South Cheshire*" shall be called "*West Cheshire*," "*North-west Essex*" shall be called "*West Essex*," and "*North-east Essex*" shall be called "*East Essex*," and "*North-east Norfolk*" shall be called "*North Norfolk*," and "*South-east Norfolk*" shall be called "*South Norfolk*."

The Contents of the Northern and Mid Divisions of the West Riding of *Yorkshire* as constituted by "The Representation of the People Act, 1867," shall, for all Purposes relating to the Election of Members to serve in Parliament, henceforth be distributed into Two other Divisions, named respectively the Northern Division and the Eastern Division.

Explanation of the Contents of the Hundreds of Pirehill in Staffordshire.

7. Whereas by Schedule (D.) annexed to "The Representation of the People Act, 1867," the Division of *North Staffordshire* includes the Hundred of *Pirehill North*, and the Division of *West Staffordshire* includes the Hundred of *Pirehill South*: And whereas Doubts are entertained as to the Contents of the said Hundreds: Be it enacted, That for the Purposes of the said Act the Hundreds of *Pirehill North* and *Pirehill South* shall respectively be deemed to consist of the Parishes and Places in that Behalf set forth in the Fifth Schedule annexed hereto.

Certain Parishes to be included in the Divisions of East and West Staffordshire.

8. Whereas by Schedule (D.) annexed to "The Representation of the People Act, 1867," the Division of *West Staffordshire* includes the Hundred of *Seisdon*, and the Division of *East Staffordshire* includes the Hundred of *South Offlow*: Be it enacted, That, notwithstanding anything contained in that Act, the Parish of *Rushall* shall form Part of and be included in the Division of *East Staffordshire*; and the Townships of *Willenhall* and *Wednesfield*, although within the Hundred of *South Offlow*, shall form Part of and be included within the Division of *West Staffordshire*.

Alteration of Divisions of Counties.

9. The Divisions of Counties named in the Second Column of the Third Schedule to this Act annexed shall respectively, for the Purpose

Purpose of the Election of Members to serve in Parliament, consist of the Places and Wapentakes mentioned in connexion with such Divisions in the Third Column of such Schedule.

Save as aforesaid, the Divisions of Counties constituted by "The Representation of the People Act, 1867," shall comprise the Parts in the said Act declared to be temporarily comprised therein.

Nothing in this Act contained shall affect the Division of Counties constituted for the Purpose of returning Members to serve in Parliament by any Act other than "The Representation of the People Act, 1867."

Alteration of Places for holding Courts for Election of Members.

10. The Court for the Election of Members to serve in Parliament for each of the Divisions of Counties specified in the Second Column of the Fourth Schedule hereto shall be holden at the Place named for that Purpose in connexion with such Division in the Third Column of the said Schedule.

Save as aforesaid, the Places named in the Fourth Column of Schedule (D.) to "The Representation of the People Act, 1867," as temporarily appointed for holding Courts for Election of Members for each of the Divisions of Counties mentioned in the said Schedule in connexion with such Places, shall be permanently appointed for that Purpose.

Boundaries of Counties and Boroughs on Sea Line.

11. Where any County, Division of a County, or Borough abuts on the Sea Coast or on any Tidal River, the Boundaries of such County, Division of a County, or Borough shall, for all Purposes relating to the Election of a Member or Members to serve in Parliament, be deemed to extend to the Low-water Mark.

Marking Boundaries of Boroughs.

12. Where the Boundary of a Borough does not follow the Boundary of a Parish or Township or other well defined Line of Demarcation, the Returning Officer shall as soon as may be after the passing of this Act cause the several Points of Deviation of the Boundary to be marked by means of Boundary Stones, Posts, or other Marks, and such Boundary Marks shall from Time to Time be maintained and renewed by the Returning Officer of such Borough.

For the Purposes of this Section a Returning Officer may by himself or his Workmen enter upon any Lands, doing as little Damage as possible, and making Compensation for such Damage, the Amount of such Damage to be determined, in case of Dispute, in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to disputed Compensation for Land.

All Expenses properly incurred by a Returning Officer in pursuance of this Section shall be deemed to be Expenses in-

curred by him in respect of Registration, and shall be defrayed accordingly.

To render valid certain Precepts, Notices, &c.

13. All Precepts, Notices, Forms, Claims, and other Documents issued or used before the passing of this Act under or by virtue of the Statute of the Sixth *Victoria*, Chapter Eighteen, in relation to the Registration of Voters in and for the several Divisions of the Counties of *Cheshire*, *Essex*, and *Norfolk*, shall be as valid and effectual as if the Names of the said Divisions were not altered or affected in or by this Act.

First Registration of Occupiers in Borough within extended Boundaries.

14. Where by reason of an Alteration of the Boundary of any Borough by this Act the Occupier of a Dwelling House or other Tenement (for which the Owner at the Time of the passing of this Act is liable to be rated instead of the Occupier) would be entitled to be registered as an Occupier at the next Registration of Parliamentary Voters if he had been rated to the Poor Rate for the whole of the required Period, such Occupier shall, notwithstanding he has not been so rated, be entitled to be registered, subject to the following Condition,—

That he has been duly rated as an ordinary Occupier to all Poor Rates in respect of the Premises made after the passing of this Act.

Schedule to be of the same Force as the Act.

15. The Schedule hereto, with the Notes thereto annexed, shall be of the same Force as if they were enacted in the Body of this Act.

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Note.—The Expressions herein-after mentioned have in the Schedules the following Meanings; that is to say,

"Present Borough" means the Area comprised within the Limits of an old Borough prior to the Alterations made therein by this Act.

"Present Boundary" means the Boundary of an old Borough as existing prior to the Alterations made therein by this Act.

"Municipal Borough" means the Area at the Time of the passing of this Act comprised within the Limits of a Place as constituted a Municipal Borough for the Purposes of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide for "the Regulation of Municipal Corporations in England and Wales."

"Local Government District" means the Area at the Time of the passing of this Act comprised within the Limits of any Town or Place subject to the "Local Government Act, 1858."

"Not altered," as applied to any Place, means that the Description of such Place is the same as that contained in Schedule (O.) of the Boundary Act, 1832.

OLD BOROUGHS (ENGLAND).

Old Boroughs (England).

ABINGDON.

Description.

The present Borough of Abingdon, and those Parts of the Parishes of Sutton Courtney and St. Helen which are included between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

Sutton Courtney and *St. Helen.*—From the Southernmost Point of the present Boundary at the River Isis, Westward, along the Berks and Wilts Canal to the Point at which it is crossed by the Bridge on the Steventon Road; thence Northward to a Point Eighty Yards distant from the Bridge measured along the said Road; thence in a straight Line to the Junction of the River Ock with the Larkhill Stream; thence along the said Stream to the Point at which it meets the Faringdon Road; thence in a straight Line to the North-west Angle of the present Boundary on the Wootton Road:

St. Helen.—From the Northernmost Angle of the present Boundary in a straight Line to the Point at which the Boxhill Footway meets the Oxford Road; thence by Sir George Bowyer's private Road to the Radley Road; thence Westward along the Radley Road till it meets the present Boundary.

ASHTON-UNDER-LYNE.

Description.

The present Borough of Ashton-under-Lyne:

The Local Government District of Hurst in the Parish of Ashton-under-Lyne:

So much of the Township of Dukinfield as adjoins the present Borough, and lies at the North of the River Tame: and

That detached Part of the Audenshaw Division of the Township of Ashton-under-Lyne which is within the Municipal Borough of Ashton-under-Lyne.

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AYLESBURY.

Description.

The Three Hundreds of Aylesbury, and all such Parts of the Parish of Dinton as are not within the said Three Hundreds.

BARNSTAPLE.

Description.

The present Borough of Barnstaple, and that Part of the Parish of Pilton which lies between the present Boundary of the Borough and Braddiford Water and the River Taw.

BATH.

Description.

The present Borough of Bath, and so much of the Parish of Twerton as is included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point in the present Boundary at which the Great Western Railway crosses it on the Western Side, along the Northern Fence of the said Railway to the Point at which it crosses Brook Lane; thence along Brook Lane to the Point at which it meets the Lower Bristol Road; thence, Westward, along the Lower Bristol Road to the Point at which it meets the Road from Motley Bridge; thence along the last-mentioned Road to the River Avon; thence, Eastward, along the River Avon to the Point at which it meets the present Boundary.

BEWDLEY.

Description.

The present Borough of Bewdley and the Hamlet of Upper Mitton.

BLACKBURN.

Description.

The present Borough of Blackburn:

The Part of the Township of Little Harwood at Carr Houses contained between the Boundary of the Township of Blackburn and the Harwood Brook: and

The several Parts of the Township of Witton and of the Township of Livesey contained between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the River Blackwater meets the Boundary of the Township of Blackburn on the Western Side of the same, Westward, along the River Blackwater to the Point at which the same meets the River Darwen; thence, Eastward, in a straight Line through Feniscliffe Bridge to the Point at which the same meets the Northern Boundary of the Township of Livesey; thence, Eastward, along the Boundary of the

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Township of Livesey to the Point at which the same meets Bower House Lane; thence, Southward, along Bower House Lane to the Point at which the same meets the Livesey Branch Road near the Waterloo Tavern; thence, Eastward, in a straight Line to the Northernmost Point of the Boundary of the Township of Lower Darwen, West of Hey Gate; thence, Eastward, along the Boundary of the Township of Lower Darwen to the Point at which the same meets the present Boundary of the Borough.

BOLTON-LE-MOORS.

Description.

The present Borough of Bolton-le-Moors (including that Part of the Township of Little Bolton lying to the North of Astley Brook, and called Little Bolton Higher End), and

So much of the Townships of Sharples and Halliwell as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Northernmost Point of the present Boundary at Little Bolton Higher End, Northward, in a straight Line to the Point in the Blackburn Road at which it is met by Broad-o'-th'-Lane; thence, Westward and Southward, along Broad-o'-th'-Lane to the Point at which the same meets the Boundary of the Southernmost of the Three detached Parts of the Township of Little Bolton; thence, Southward, along the Boundary of the said detached Part of the Township of Little Bolton (excluding it) to the Point at which the same meets the Boundary of the Township of Halliwell; thence, Westward, along the Boundary of the Township of Halliwell to the Point at which the same meets Dean Brook; thence Westward up Dean Brook to Smithills Mill Bridge; thence Eastward along Pilkington Street to Top-o'-th'-Lane; thence, Southward, along Cooper's Lane for about One hundred and thirty Yards to the Point at which it is left by the Lane which leads Southwards past Bennet's and Vallet's to the Horwich Road; thence along the last-mentioned Lane to the Point at which it meets the Horwich Road; thence in a straight Line to the Point at which the Boundary between the Townships of Halliwell and Heaton meets the Boundary of the Township of Little Bolton in the Chorley New Road.

BRIDGEWATER.

Description.

The present Borough of Bridgewater, and such Parts of the Parishes of Wembdon and Bridgewater as are included between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

Wembdon.—From the present Boundary of the Borough at its Westernmost Point on the Wembdon Road along that Road, Westward, to the Eastern Wall of the Cemetery; thence along that Wall to its Northern Extremity; thence in Prolongation of the same Wall to a Point at which that Line would be intersected by the Prolongation Westward of a Line in Production of the Wall that forms the Northern Boundary of Providence Place; thence along the said Line and Wall to the Point at which, if produced

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produced Eastward, it would intersect Malt Shovel Lane; thence, Southward, along Malt Shovel Lane to the Bridge over the Canal; thence, Northward, along the Canal to the Point at which it meets the present Boundary:

Bridgewater.—From the present Boundary of the Borough at the Point at which it meets the Bath Road, Southward, in a straight Line to the Point at which the South-eastern Boundary of the Field called Ten Acre Pasture, and numbered 565 in the Tithe Map of the Parish of Bridgewater, meets the Road from the Railway Station to the Weston Zoyland Road; thence in a straight Line to the Point at which the Weston Zoyland Road meets the present Boundary.

BRIGHTON.

Description.

The present Borough of Brighton and the Parish of Preston.

CAMBRIDGE.

Description.

The present Borough of Cambridge, and also so much of the Parish of Chesterton as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point in the Borough Boundary at which the Huntingdon Road leaves the Boundary of the Parish of Chesterton, Eastward, in a straight Line to the Point in the Histon Road at which the said Road is met by an Occupation Road leading from French's Mill; thence along such Occupation Road to the said Mill; thence in a straight Line to the First Milestone from Cambridge on the Ely Road; thence, North-eastward, along the said Road to the Point at which it is joined by the Green End Road; thence, South-eastward, in a straight Line to the Point at which the Northern Fence of the Chesterton Railway Station meets the Railway from Leicester to London; thence along the said Fence to its Eastern Extremity; thence in a straight Line to the nearest Point of the present Boundary in the River Cam.

CHATHAM.

Description.

The present Borough of Chatham, and so much of the Parishes of Chatham and Gillingham as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point in the Boundary of the present Borough between the Boundary Stone of the City of Rochester marked 5, and the Windmill on the Top of Chatham Hill, at which that Boundary is crossed by the Road leading South from the Medway Union Workhouse, South-eastward, in a straight Line to the Boundary Stone on the Roadside at Hale, near "The Waggon" Public House, between the Parishes of Chatham and Gillingham; thence, Northward, along the Boundary between the said Parishes

Parishes to the Point at which it meets the Sittingbourne Road; thence, North-eastward, in a straight Line to the Angle of the Boundary of the Township of Grange near the South Side of the London, Chatham, and Dover Railway, and adjoining the Footpath to Woodland; thence along the Western Boundary of the said Township of Grange to the Sea Shore, and Westward along the Sea Shore until it meets the present Boundary of the Borough.

CHELTENHAM.

Description.

The present Borough of Cheltenham, together with so much of the Parish of Leckhampton as lies between the present Boundary of the Borough and the following Boundary; that is to say,

Leckhampton.—From the Point at which the present Boundary crosses a Road leading from the Old Bath Road to Leckhampton Church, Southward, along the said Road to the Point nearly opposite Collum End Farm, at which it crosses a Stream or Ditch which falls into Hatherley Brook; thence, Northward, down the said Stream or Ditch to the Point at which it crosses the present Boundary.

CHESTER.

Description.

The present Borough of Chester, together with so much of the Townships of Saltney in the County of Flint, Great Boughton, Hoole, and Newton respectively, as is included between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

Saltney.—From the Point in the River Dee at Saltney Stage at which St. Mary's Ward joins Trinity Ward, Westward, along the River Dee to the Point at which the same is joined by Balderton Brook near Stoop Bridge Stage; thence up the said Brook to the Bridge in Green Lane; thence, Eastward, along Green Lane until it meets the nearest Boundary Stone in the present Boundary:

Great Boughton.—From the Point at which the River Dee is joined by Huntington Brook, up that Brook to the Centre of the Bridge on the Sainton and Aldford Road, commonly called Sandy Lane; thence, Northward, in a straight Line to the Point at which Batchelor's Lane is joined by Stile Lane near Vaughan's House; thence along Stile Lane to the Point at which the same meets Poorhouse Lane; thence in a straight Line to a Point in Beckcotes Lane One hundred Yards from its Junction with the Southern Extremity of Heath Lane; thence, Westward, along Beckcotes Lane to the said Extremity, and, Northward, along Heath Lane to the Point at which it meets the present Boundary:

Hoole and Newton.—From the South-eastern Angle of the Boundary of the Township of Hoole at which it joins the present Boundary and the old City Boundary, Northward, along the Boundary of the said Township

as far as it is also the Boundary of the Parish of St. John the Baptist; thence, Westward, along the Boundary of the said Parish to the Boundary Stone in it situated behind Mr. Moule's House, near the District Church of Hoole; thence in a straight Line for Ninety Yards to the South-eastern Extremity of the Lane leading to the Chester and Frodsham Turnpike Road; thence along the said Lane to the Point at which it joins the said Turnpike Road; thence, South-westward, along the said Turnpike Road to the Point at which it is joined by the Newton and Upton Road; thence, Northward, along the Newton and Upton Road to the Point at which the same is joined by Brook Lane; thence, Southward, along Brook Lane to the Point at which the same meets the present Boundary.

CHICHESTER.

Description.

The present Borough of Chichester, and so much of the Parishes of Oving and Rumboldswyke as is contained between the present Boundary of the Borough and the following Boundary; that is to say,

From the Eastern Extremity of the present Boundary of the Borough at St. James' Post along the Arundel Road to the Point at which it meets the Cemetery Lane; thence along the said Lane to the Point at which it meets the Oving Road; thence along the Lane which runs nearly due South to the Point at which the said Lane cuts the London, Brighton, and South Coast Railway; thence, Westward, along the Northern Fence of the said Railway to the Point at which it meets the present Boundary.

CIRENCESTER.

Description.

The present Borough of Cirencester and the Parish of Stratton.

COVENTRY.

Description.

The present Borough of Coventry and the Parish of Stoke.

DERBY.

Description.

The present Borough of Derby and the Townships of Litchurch and Little Chester.

DROITWICH.

Description.

The present Borough of Droitwich; the Portion of the Parish of Stoke Prior which lies to the South of the Road from Hynets Farm to Webb's Farm; and the Two Portions of the Parish of Hanbury which are not within the present Borough, and lie to the South and South-west of the Road from Hanbury to Feckenham.

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DUDLEY.

Description.

The present Borough of Dudley; the Extra-parochial Grounds of Dudley Castle Hill; the Ecclesiastical Districts of Pensnett, Brockmoor, Quarry Bank, and Brierley Hill, in the Parish of Kingswinford, and of Reddall Hill in the Parish of Rowley Regis.

DURHAM.

Description.

The present Borough of Durham, and that Portion of the Township of Framwellgate which lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the North-west Corner of the present Boundary of the Borough, near the Junction of the Lanchester and Newcastle High Roads, Westward, along the Lanchester High Road to the Point at Western Lodge and White Smocks Turnpike at which it is met by a Road coming in from the South; thence along this latter Road in a Southerly Direction to the Point at which it crosses the Boundary between the Townships of Framwellgate and Crossgate; thence in a South-westerly Direction along the said Boundary to the Point at which it reaches the present Boundary of the Borough.

EXETER.

Description.

From the Turnpike Gate on the Morton Road, Southward, along Cowick Lane to the Point at which the same meets Stone Lane; thence along Stone Lane to the Point at which the same meets the Road from Exeter to Alphington; thence, Southward, along the Road from Exeter to Alphington to the Point at which the same is joined by Marsh Barton Lane; thence along the Northern Hedge of Marsh Barton Lane to the Point at which the same meets the Fence of the South Devon Railway; thence along such Fence, Southward, to the Railway Arch; thence through the said Arch and along Marsh Barton Lane to the Point at which the same reaches the Canal; thence in a straight Line to a Boundary Stone on the Left Bank of the River Exe above the old Abbey; thence, Southward, along the Leat to the Point at which the same is joined by the Brook which runs down through East Wonford; thence along the said Brook to the Point at which the same crosses the Old Stoke and Tiverton Road near the Road to Mincing Lake Farm; thence along the Old Stoke and Tiverton Road to the Point at which the same meets the Boundary of the County of the City; thence, Northward, along the Boundary of the County of the City to the Point near Exwick at which the River Exe is crossed by a Road leading to the Railway Station; thence, Westward, along that Road to the Point at which the same meets the Road from Exwick to the Turnpike Gate on the Morton Road; thence along the said Road to the Point at which the same reaches such Turnpike Gate.

FINSBURY.

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FINSBURY.

Description.

The present Borough of Finsbury; the detached Parts of the Parish of Hornsey in Stoke Newington; and that Part of the Parish of Hornsey which intervenes between the Parishes of Islington and Stoke Newington, and lies to the South of the new Tottenham and Hampstead Railway, from Stroud Green to the Bridge where it is crossed by the Great Northern Railway, and of a straight Line between the Centre of the said Bridge and the North-western Angle of the Boundary of the Parish of Stoke Newington.

GLOUCESTER.

Description.

The present Borough of Gloucester, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which Dockham Ditch is crossed by the present Boundary, Northward, along Dockham Ditch to the Point at which it meets a Road leading from the Meadows to Sandhurst Lane; thence along the said Road to its Junction with Sandhurst Lane; thence across Sandhurst Lane to and along a public Highway leading therefrom to the Tewkesbury Road, thence in a straight Line South-eastward to the Point at which the Turnpike Road from Gloucester to Cheltenham crosses the Barnwood Brook; thence up the Barnwood Brook to the Point at which it is crossed by the Great Western Railway; thence, Southward, along the Western Fence of the Great Western Railway to the Point at which it meets the Footpath leading from Gloucester to Robin's Wood Hill; thence, Westward, in a straight Line to a Point in the Stroud Road at which it is met by a Ditch or Watercourse leading down to the Bristol Road; thence, Westward, along the said Ditch or Watercourse to the Point at which it joins Still Ditch; thence along Still Ditch to the Point at which it enters the River Severn; thence in a straight Line to the Southernmost Point of the present Boundary in Castle Mead.

GREENWICH.

Description.

The present Borough of Greenwich, and that Part of the Parish of Plumstead which is not within the Borough.

GUILDFORD

Description.

The present Borough of Guildford, and the Lands contained between the present Boundary of the Borough and the Two following Boundaries respectively; that is to say,

From the Point at which the present Boundary meets the River Wey, Southward, along the said River to a Point in it due East of St. Catherine's

rine's Chapel; thence, Westward, in a straight Line to St. Catherine's Chapel; thence, Northward, in a straight Line to the Junction of the Portsmouth Road and the Sandy Lane leading to Compton; thence, Westward, along the said Lane to Piccard's Farm; thence, Northward, along the Road leading through the said Farm to its Northern Extremity; thence, Northward, in a straight Line to the present Boundary of the Borough at Booker's Tower: and

From the Angle of the present Boundary in the Merrow Road, South-eastward, along the Cross Road from the Merrow Road to the Point at which the said Cross Road joins the Road leading past the Union Workhouse to Merrow Downs; thence, South-westward, in a straight Line to the South-eastern Angle of the present Borough.

HALIFAX.

Description.

The Municipal Borough of Halifax as constituted by "The Halifax Extension and Improvement Act, 1865," (28 & 29 Vict. c. 140).

HASTINGS.

Description.

The present Borough of Hastings; so much of the Parish of St. Leonard as is not already within the Borough; and so much of the Parishes of St. Mary-in-the-Castle and Ore as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Easternmost Point at which the Boundary of the Parish of Ore meets the Boundary of the Parish of All Saints, Northward, along the Boundary of the Parish of Ore to the Easternmost Point of that Boundary; thence, Westward, in a straight Line to the Point opposite to the Borough Cemetery at which the Road known as Ore Lane meets the old Road from Hastings to London; thence, Westward, in a straight Line to the Northernmost Point at which the Boundary of the Parish of St. Leonard's leaves the St. Leonard's and Sedlescombe Turnpike Road; thence, Southward, along the Boundary of the Parish of St. Leonard to the Point at which it meets the present Boundary of the Borough.

HERTFORD.

Description.

The present Borough of Hertford; and so much of the Parish of Bengeo as is contained within the following Boundary; that is to say,

From the Point to the Westward of the Town at which the River Beane leaves the Borough Boundary, Northward, along the said River to the Point at which it joins the Backwater from the Mole Wood Mill Stream to the same River; thence along the said Backwater to the Sluice Gate at which the said Mill Stream falls into the same Backwater; thence, in

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a South-easterly Direction, along the said Mill Stream to the Bridge over the same, near to the Mole Wood Mill, where the same Stream is crossed by the public Footway, known as the Church Path; thence, Eastward, along the Church Path to the single Tree growing therein at Sixteen Chains Distance (as measured along the same Path) from the Point at which the same joins the Hertford and Sacombe Road; thence in a straight Line to the Tree growing in the West Fence of the said Hertford and Sacombe Road at Ten Chains Distance (as measured along the same) from the Point at which the same joins the public Footway from Bengeo to Goldings; thence, Eastward, in a straight Line to the Point at which the River Rib meets the Road from Bengeo to Ware; thence along the said River Rib to the Point at which the same joins the present Boundary of the Borough in the River Lea.

HUDDERSFIELD.

Description.

The present Borough of Huddersfield; the Township of Lindley-cum-Quarmby; the Hamlet of Lower Linthwaite; the Township of Lockwood (including the Two detached Portions of the Township of South Crossland which are surrounded by it); the Township of Almondbury; the Township of Dalton; and so much of the Township of Longwood as is included within the following Boundary; that is to say,

From the Point at which the Boundaries of the Townships of Lindley-cum-Quarmby and Longwood meet the present Boundary of the Borough, North-westward, along the Boundary of the said Townships to the Point called Raw Nook; thence, South-eastward, along the Road which leads from Raw Nook to Dodlee to the Point at which the said Road meets the Road leading from Dodlee to Clough Bottom; thence, South-westward, along the last-mentioned Road to the Point at which it meets the Boundary of the Townships of Longwood and Golcar; thence along the Boundary of the Townships of Longwood and Golcar, South-eastward, to the Point in the River Colne at Miln's Bridge, at which the Townships of Longwood, Golcar, and Linthwaite meet; thence along the said River to the Point at which it meets the present Boundary of the Borough.

KIDDERMINSTER.

Description.

The present Borough of Kidderminster, and such Parts of the Parishes of Kidderminster and Wolverley as lie between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

Kidderminster, 1.—From the Point at which the present Boundary meets the Sutton Common Road, Southward, along that Road to the Point at which it meets the Stourport Road; thence, Eastward, along the Stourport Road to the Point at which it meets the present Boundary:

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Kidderminster, 2.—From the South-eastern Angle of the present Boundary in Chester Lane, Southward, along that Lane to the Point at which it meets the Lane leading by Gorset Hall to Comberton Farm; thence along the last-mentioned Lane to the Point at which it meets the Bromsgrove Road; thence along the Bromsgrove Road to the Occupation Road by Comberton Farm; thence along such Occupation Road to its Termination; thence, Northward, along the Hedge proceeding from this Point to the Borough Boundary on the Road to Offmore Farm:

Kidderminster, 3.—From the Point at which the present Boundary meets the Boundary of the Parish of Wolverley, Northward and Westward, along the last-named Boundary to the Point at which it meets the Road to Bridgnorth; thence, Southward, along the Bridgnorth Road to the Point at which it is met by the Road from Franch to High Habberley; thence, South-westward, along the last-mentioned Road to the Entrance Gate to High Habberley House; thence in a straight Line to the South-western Angle of the Borough in the Bewdley Road:

Wolverley.—From the Point in the present Boundary of the Borough at its Junction with the Cookley and Wolverhampton Road, Northward, along that Road to the Point at which it is met by the Road leading to Wolverley by Sion Hill; thence along such Road to the Lea Castle Gate; thence, Southward, along a Lane to the East of Sion House to the Occupation Road leading to Sion Hill Farm; thence, Westward, along such Occupation Road, through the Farm-yard, and along the Occupation Road from such Farm-yard, Westward, to the Swing Bridge on the Staffordshire and Worcestershire Canal; thence, Southward, along the Canal to the Point at which it meets the present Boundary of the Borough.

KING'S LYNN.

Description.

The present Borough of King's Lynn, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the present Boundary on the North-east at the New Bridge near Walker's House, Northward, along Alma Lane, crossing the Railway, to the Point at which that Lane joins the Gaywood Road; thence, Westward, along the Gaywood Road to the Point at which it is met by Salter's Road; thence, Northward, along Salter's Road to the Point at which the said Road joins the old East Sea Bank; thence, Northward, along the old East Sea Bank to the new Sea Bank; thence, Westward, along the new Sea Bank to the Point at which it joins the old West Sea Bank; thence, South-westward, along the old West Sea Bank (which forms the Eastern Boundary of the Parish of North Lynn) to the Estuary Cut; thence, Southward, along the East Side of the Estuary Cut to the Point at which it meets the present Boundary of the Borough.

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KINGSTON-UPON-HULL.

Description.

The present Borough of Kingston-upon-Hull, together with such Parts of the Parishes of Hessle, North Ferriby, and Kirk Ella as are included between the present Boundary of the Borough and the following Boundary; that is to say,

From the South-western Angle of the present Boundary at the River Humber, along that River, Westward, as far as the new Drain of the Hessle and Anlaby Drainage; thence up the said Drain to the Point at which it is crossed by the Hull and Selby Railway; thence curving along the South Side of the said Railway in a North-easterly Direction past Hessle Junction, and along the South Side of the Northern Branch of the said Railway, to the Point at which it crosses the Eastern Boundary of the Parish of Hessle; thence, Northward, along the said Parish Boundary, and along the Boundary between the Parishes of North Ferriby and Kirk Ella to the Point at which it meets the Boundary of the Parish of Cottingham at Spring Bank; thence, Eastward, along the Boundary of the Parish of Cottingham on the South Side of Spring Bank to the North-western Angle of the present Boundary of the Borough.

LEWES.

Description.

The present Borough of Lewes, and the Space contained between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point of the present Boundary called "Malling Mill" in a straight Line to the Centre of the Road immediately on the North of the said Mill, such straight Line being in Production of the present Boundary from the Point of it known as the "Site of an old Windmill" to "Malling Mill;" thence, Westward, in a straight Line to the North-western Corner of the Wall of the Garden of "Malling House;" thence in a straight Line to the Point at which the old Turnpike Road from the Spital Burn to Offham crosses the Road leading from the Inn called the "Elephant and Castle" in the Town of Lewes to the Windmill near the Race Stand known as "Steeres Mill" or the "Offham Mill;" thence Southward in a straight Line to the Windmill known as the Spital Mill; thence in a straight Line to the Point of the present Boundary called the Smock Windmill.

MACCLESFIELD.

Description.

The present Borough of Macclesfield, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the Shore's Clough Brook leaves the Boundary of the Township of Hurdsfield along the Shore's Clough Brook to the Point

Point at which the same joins the River Bollen; thence along the River Bollen to the Point at which the same is joined by West Brook; thence along West Brook to the Point at which the same joins the present Boundary.

MONMOUTH DISTRICT BOROUGH.

Description.

MONMOUTH.—Not altered.

NEWPORT.—The present Borough of Newport:

So much of the Parish of Christchurch as is comprised within the Local Government District of Christchurch:

So much of the Parish of St. Woollos as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Northernmost Point of the present Boundary in the River Usk near the Mouth of Crindau Pill, Westward, along the Boundary of the Parish of St. Woollos to the Point at which the said Boundary is cut by the Eastern Valleys Railway; thence, South-westward, along the South Side of the said Railway to the Point at which the said Railway cuts the present Boundary near the Marshes Gate Toll Bar; thence in a straight Line to the Westernmost Entrance of the Tunnel of the Crumlin Canal at the Barrack Road; thence along the said Canal to the Western Fence of Two Fields numbered respectively 77*a* and 79 on the Tithe Map of the Parish of St. Woollos; thence along such Fence to the Point at which the same is met by the Barrack Road; thence, Eastward, along the said Barrack Road to the Western Fence of a Field numbered 106 in the Tithe Map of the Parish of St. Woollos; thence along such Fence to a Stream running through the Field numbered 115 in the aforesaid Tithe Map; thence along such Stream to the Western Fence of a Field numbered 124 in the aforesaid Tithe Map; thence along such Fence to the Point at which it meets the Parish Road leading from Pentonville to Ty Llwyd; thence, Westward, along the Southern Boundary of the Property of William Evans, Esquire, to the Point at which it reaches the Footpath leading to the Risca Road; thence along the said Footpath and in a straight Line across the said Road to the nearest Point of the Wall of the Cemetery; thence along the said Wall to the Turnpike Road leading from Newport to Bassalleg; thence, Eastward, along the said Road to the Point at which the same meets the Boundary Fence dividing the Property of Lord Tredegar from that of Lady Power; thence, Southward, along such Boundary Fence to the Occupation Bridge over the South Wales Railway near the Southern End of the Tunnel; thence along the Eastern Side of the said Railway to the Cardiff Road; thence, Eastward, along the said Road to the Point at which it meets the present Boundary of the Borough.

USK.—Not altered.

MORPETH.

Description.

The present Borough of Morpeth, and the Townships of Cowpen and Newsham.

Boundary.

Old Boroughs (England).

First Schedule.

NEWPORT, ISLE OF WIGHT.

Description.

The present Borough of Newport, and so much of the Parishes of Whippingham and Carisbrook respectively as lies between the present Boundary of the Borough and the following Boundaries; that is to say,

Whippingham.—From the Point at which the Fairy (or Fairlee) Hole Stream joins the present Boundary at the River Medina, Eastward, along the said Stream for One hundred Yards beyond the Point at which it meets Cross Lane; thence, Southward, in a straight Line to the Point at which the Occupation Road leading past the Eastern End of a Field called Long Mead meets the Old Ryde (or Staplers) Road at Polars; thence in a straight Line to the Point at which the Occupation Road leading to Hedera House (Mr. Dash's) meets the Barton Village Road; thence along the said Road to the Point at which it meets the Footpath leading from Barton Village to Staplers; thence, Westward, along the said Path and in Production of the Direction thereof in a straight Line to the Southern End of Elm Road; thence in a straight Line to the Pan Turnpike; thence, Westward, in a straight Line to the nearest Point in the River Medina (excluding the Mill); thence, Northward, down the said River to the Point at which it meets the present Boundary:

Carisbrook, No. 1.—From the present Boundary at the Point at which the Footpath to Shide meets Church Litton Lane, Southward, in a straight Line to Shide Cross; thence, Westward, along White Pit Lane to the Point at which the Castle and Gatcombe Roads diverge; thence, North-westward, along the Cross Road leading to the Carisbrook Road to the Point at which it meets the Carisbrook Road; thence down the Stream from the Mill to the Point at which it meets the Lukely Brook; thence, Northward, along the said Brook to the Point at which it meets the present Boundary:

Carisbrook, No. 2.—From the Point at which the present Boundary crosses Petticoat Lane, Northward, in a straight Line to the Point at which Tin Pit Lane meets Exbury Road; thence in a straight Line to the Angle of the Road immediately to the North of Mr. Walter Brown's Farm (Providence Cottage); thence in a straight Line to the Hunny Hill Road; thence in a straight Line to the Point at which the Fairlee Hole Stream joins the River Medina.

The Boundary of the Borough in the River Medina is to be closed by a straight Line to be drawn across the River according with the Boundary last described.

NORTHAMPTON.

Description.

The present Borough of Northampton, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point on the North of Northampton at which Gipsey Lane (leading from Kingsthorpe to the Toll Bar on the Kettering Road) leaves the present Boundary at the North-east Corner of the Racecourse, along the said Lane towards Kingsthorpe to the Point at which it

crosses

Boundary.

crosses the Brook from Kingsthorpe Lodge; thence along the said Brook to the Point at which it joins the North Branch of the River Nen; thence along the said Branch of the said River to the Point South of St. Andrew's Mill at which the same is rejoined by the Mill Stream; thence in a straight Line to the Point at which Dallington Mill Lane meets the Dunchurch Road at Dallington Side Bar; thence in a straight Line to the Point at which the Daventry Road crosses the small Brook immediately to the West of the "Red House" Inn; thence in a straight Line to the Point at which the Rothersthorpe and Banbury Lane is met by a public Footway from Cotton End; thence, Eastward, along the same Lane to the Point at which it meets the Towcester Road; thence along the Towcester Road towards Northampton to the Point at which it meets the London Road; thence in a straight Line to the Point in the present Boundary to the Eastward of Nun Mill at which the Mill Stream meets the River Nen.

OLDHAM.

Description.

The present Borough of Oldham and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point near Holt's Mill at which the River Medlock leaves the present Boundary of the Borough, along the River Medlock to the Point at which the same meets Wood Brook; thence along Wood Brook to the Point at which the same meets the County Boundary between Lancashire and Yorkshire; thence, Northward, along the said County Boundary to the Point at which it meets the present Boundary of the Borough at Mill Bottom.

OXFORD.

Description.

The present Borough of Oxford:

So much of the Parish of St. Giles as is not already within the Borough: and

The Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the Great Western Railway leaves the present Southern Boundary of the Borough, Southward, along the Eastern Side of the said Railway to the Point at which it crosses the Hinksey Stream; thence, Eastward, in a straight Line to the Point at which the Henley Road crosses the Cowley Marsh Ditch; thence along the said Ditch to the Point at which it meets the Boundary of the Parish of Headington; thence, Northward, along Moors Brook, and along the Ditch which crosses the Turnpike Road from Oxford to London near the Public House called "The White Horse" to the Point at which the said Ditch meets the Footpath leading from Headington to Oxford; thence, South-westward, along the said Footpath to the Point in the present Boundary called "Joe Pullen's Tree."

PENRYN

Old Boroughs (England).

First Schedule.

PENRYN AND FALMOUTH.

Description.

The present Borough of Penryn and Falmouth; so much, if any, of the old Borough of Penryn as is not already within the Borough; and such Part of the Parish of Mylor as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the North-easternmost Angle of the present Boundary of the Borough (at which the Boundary between the Borough and the Parish of Mylor turns Southward) in a straight Line Eastward to the Point at which the Roads from Penryn to Mylor Bridge and from Penryn to Tregew diverge; thence along the said Road leading to Tregew to the Point at which it is met by the Road coming from the Pillars; thence, Northward, along that Road to the Junction of Roads at the Pillars; thence, Eastward, along the Road to Mylor Church Town to the Point at which it meets the Road from Flushing to Mylor Church Town; thence, South-eastward, in a straight Line to be drawn in Direction of the Tower of Pendennis Castle to the Point at which it meets the present Boundary.

PETERBOROUGH.

Description.

The present Borough of Peterborough, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the River Nene joins the Stream called the Cats Water at the Junction of the Three Counties of Huntingdon, Cambridge, and Northampton, along the River Nene, in a South-easterly Direction, to the Point at which the same joins the Stream called Morton Leam; thence, Southward, along the Morton Leam to the Point, South of the Railway Bridge over the same, at which the same joins a Brook called Fletton Spring; thence in a South-westerly Direction along the Fletton Spring, crossing the Fletton Road, to the Point at which the Fletton Spring meets the London Road; thence, Northward, along the London Road to the Boundary Stone at the Junction of Woodstone Lane with the London Road; thence in a North-westerly Direction along the Eastern Fence of Woodstone Lane to the Point at which the same joins the Oundle Road; thence in a straight Line to Woodstone Stanch on the River Nene.

PLYMOUTH.

Description.

The present Borough of Plymouth:

So much of the Tithing of Compton Gifford as lies to the South of Higher Compton Lane: and

The Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which Mill Bay Pier meets the present Boundary of the Borough, along the South Side of the said Pier to its Western Extremity; thence

thence in a straight Line across the Entrance of Mill Bay to the nearest Point of the Boundary of the Parliamentary Borough of Devonport; thence, Northward, along the Boundary of the said Borough of Devonport to the Point at which it meets the present Boundary of the Borough.

PRESTON.

The present Borough of Preston, exclusive of such Part thereof (if any) as lies on the South Side of the present Course of the River Ribble.

RICHMOND.

Description.

The present Borough of Richmond, the Extra-parochial District of St. Martin's, and the Hamlet of Sleegill in the Township of Hipswell.

ROCHDALE.

Description.

From the Point at which the Oldham Road meets the Southern Boundary of the Hamlet of Buersill, Eastward, along the Deans and Silver Hill Lane to the Point at which the said Lane meets the Boundary of the Hamlet of Buersill; thence, Northward, along the Boundary of the Hamlet of Buersill to the Point at which the same meets the Boundary of the Hamlet of Newbold; thence, Westward, along the Boundary of the Hamlet of Newbold to the Point at which the same meets the Rochdale Canal; thence, Northward, along the Rochdale Canal to the Point at which the same meets the Eastern Boundary of the Hamlet of Belfield, near Belfield Mill; thence along the Boundary of the Hamlet of Belfield to the Point at which the same meets the Boundary of the Hamlet of Wuerdle; thence along the Boundary of the Hamlet of Wuerdle to the Point at which the same meets Ash Brook; thence, Northward, along Ash Brook to the Point at which the same meets the Littleborough Road at Smallbridge; thence, North-westward, in a straight Line to the Point at which the Eastern Boundary of the Township of Wardleworth touches the Bridge over Buckley Brook below Rydings Mill; thence, Northward and then Westward, along the Boundary of the Township of Wardleworth to its North-western Angle in the Hamer Pasture Reservoir of the Rochdale Waterworks; thence, Westward, to the Point at which Smallshaw Brook meets the River Spodden; thence, Southward, in a straight Line to the Point at which Caldershaw Brook enters Caldershaw Reservoir; thence, Westward, along Caldershaw Brook to the Point at which the same meets the Southern Boundary of the Hamlet of Catley Lane; thence, Southward, along the Boundary of the Hamlet of Catley Lane to the Point at which it is crossed by the Footpath leading from Greave to Bottoms; thence, Southward, in a straight Line to the Point in the Boundary of the Hamlet of Chadwick at the River Roach, opposite to the Point at which Hill House Brook joins the said River; thence, Eastward, along the Boundary of the Hamlet of Chadwick to the Point at which the same meets Sudden Brook; thence along Sudden Brook to the Point at which the said Brook meets the Boundary of the Hamlet

Old Boroughs (England).

FIRST SCHEDULE.

Hamlet of Buersill; thence, Southward, along the Boundary of the Hamlet of Buersill to the Southernmost Point at which the Boundary of the said Hamlet touches Cripplegate Lane; thence, Eastward, in a straight Line to the Point first described.

SALISBURY.

Description.

The present Borough of Salisbury, and that Portion of the Parish of Fisherton Anger adjoining the present Borough (and now within the Borough of Wilton), which is contained within the following Boundary; that is to say,

From the North-western Angle of the present Boundary in the Devizes Road in a straight Line to the Point at which the Western Boundary of the Parish of Fisherton Anger crosses the Wilton Road; thence along the Boundary of the said Parish to the Point at which it meets the lower Road from Fisherton to Bemerton; thence in a straight Line, in a South-eastwardly Direction, to the present Boundary at the South-west Corner of the Premises occupied as the old Fisherton National School.

STAFFORD.

Description.

The present Borough of Stafford, and such Parts of the Parish of Castlechurch, called Castletown and Forebridge, to which the Act 3 & 4 W. 4. c. 90. has been applied, as lie between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

No. 1.—From the Point at which the present Boundary is crossed by Spital Brook Lane, Eastward along the said Lane to the Point at which it meets the Trent Valley Railway; thence, Westward, along the North Side of the said Railway (crossing the Lichfield Road) to the Point at which it crosses Spital Brook.

No. 2.—From the Westernmost Point of the present Boundary in the Penkridge Road, Southward, in a straight Line to the nearest Point of the outer Plantation of the Rowley Estate; thence, Westward, along the North Side of the said Plantation to the Lodge Gate at Rowley Lane; thence, South-westward, along the North Side of Oxlezzer Lane for about One hundred and twenty Yards to the Point at which it is met by a Hedge; thence, Northward, along the said Hedge for about Ninety Yards to the Point at which it meets a Drain which runs to the Commission Main Drain; thence along the said Drain (crossing the Newport Road) to the Commission Main Drain; thence, North-westward, along the Commission Main Drain to the Point at which it crosses Burley Lane; thence, Eastward, along Burley Lane to the Doxey Road; thence along the Doxey Road to the Gateway into Broadeye Meadows; thence along a Commission Ditch from the said Gateway to the River Sow.

FIRST SCHEDULE.

STAMFORD.

Description.

The present Borough of Stamford, and so much of the Parish of St. Martin Stamford Baron as is included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point of the Wall of Burghley Park at which the present Boundary meets an Occupation Road called the "New Road," which runs from the Barnack and Pilsgate Road to the River Welland, Eastward, along the Wall of Burghley Park to the Point at which that Wall cuts the Boundary of the Parish of St. Martin Stamford Baron; thence, Northward, along the Boundary of the said Parish to the present Boundary of the Borough in the River Welland.

STOKE-UPON-TRENT.

Description.

The present Borough of Stoke-upon-Trent:

The Local Government District of East Vale in the Parish of Caverswall:

So much of the Hamlet of Sneyd Green and Parish of Burslem as lies to the West of the Road leading from Hanley to Smallthorne:

And the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point in the present Boundary at which the Mill Race forming such Boundary meets the Wall which is the Eastern Boundary of the Grounds of Spratslade House, Eastward, across the Trentham Road to the North-west Corner of the Boundary of the Local Government District of Dresden; thence along the Western, Southern, and Eastern Boundary of the said District to the Point at which it meets the Turnpike Road leading from Spratslade to the Uttoxeter Road; thence, Eastward, along the said Turnpike Road to the Point at which it meets the Boundary between the Parishes of Stone and Caverswall in the Uttoxeter Road; thence, North-westward, along the said Parish Boundary to the present Boundary of the Borough.

STROUD.

Description.

The present Borough of Stroud, and such detached Portions of the Parishes of Standish and Brookthorpe as lie between the present Borough and the Parish of Haresfield.

SUNDERLAND.

Description.

The present Borough of Sunderland, and that Part of the Municipal Borough which is not within the Parliamentary Borough.

TAUNTON.

Boundary.

Old Boroughs (England).

FIRST SCHEDULE.

TAUNTON.

Description.

The present Borough of Taunton, and so much of the Parish of St. James as is included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point in the present Boundary at which the Mill Cross Stream enters it at Mr. Benson's Farm in Greenway Lane, Northward, in a straight Line to a Point on the Kingston Road One hundred and ninety-five Yards (measured along the said Road) North of the First Milestone; thence, Eastward, in a straight Line to a Point on the Cheddon Road Two hundred and eight Yards (measured along the said Road) North of the First Milestone; thence, Southward, along the Cheddon Road to the Point at which it meets the present Boundary at Prior's Wood Lane.

WAKEFIELD.

Description.

The Municipal Borough of Wakefield.

WALSALL.

Description.

The present Borough of Walsall, and so much of the Parish of Rushall, adjoining the Borough, as is contained within the following Boundary; that is to say,

From the Point at which the present Boundary of the Borough intersects the Cartbridge Road, along that Road in a Southerly Direction to its Junction with the Lichfield Road; thence, Northward, along the Lichfield Road to the End of Hall Lane; thence, Eastward, along Hall Lane to a Point Seventy-four Yards from and in production of the East End of Rushall Church; thence, South-eastward, in a straight Line to the Junction of Mr. Mellish's, New Street, with the Road from Longwood Bridge to Walsall; thence, South-eastward, along the said Road to Longwood Bridge, and, Southward, along the same Road to the present Boundary of the Borough.

WILTON.

Description.

The present Borough of Wilton, except such Part thereof as is included within the following Boundary:

From the North-western Angle of the present Boundary of the Borough of Salisbury in the Devizes Road in a straight Line to the Point at which the Western Boundary of the Parish of Fisherton Anger crosses the Wilton Road; thence along the Boundary of the said Parish to the Point at which it meets the lower Road from Fisherton to Bemerton; thence in a straight Line in a South-eastwardly Direction to the present Boundary of the said Borough of Salisbury at the South-west Corner of the Premises occupied as the old Fisherton National School.

NEW

FIRST SCHEDULE.

OLD BOROUGHS (ENGLAND).

NEW WINDSOR.

Description.

The present Borough of Windsor:

So much of the Parish of Eton as lies to the East of the Great Western Railway: and

So much of the Parish of Clewer as lies between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

From the Westernmost Point of the present Boundary in the River Thames Westward along the Main Channel of the said River to the Westernmost Point of the Bend in it North of the Clewer Mill; thence, Southward, in a straight Line to a Point on the Dedworth Road Two hundred Yards from its Junction with Hatch Lane, measured Westward along the said Road; thence along the Dedworth Road to its Junction with Hatch Lane; thence along Hatch Lane to the End of Albion Place; thence along the Hedgerow which is the Boundary of Saint John's Orphan Home to the Point at which it meets the Footpath that leads from the Dedworth Road to the Spital Road; thence, Northward, along the said Footpath to the Point at which it meets Green Lane; thence, Eastward, along Green Lane to Mr. Harris's Farm, and in a straight Line in prolongation of the said Lane to the Point at which it meets the present Boundary: and

From the Angle in the present Boundary about Two hundred Yards North of the "Stag and Hounds" in a straight Line to Clewer Lodge Gate on the Spital Road; thence, Westward, along the Spital Road to the Point at which it meets Chapel Lane; thence, Southward, along the said Lane and in a straight Line from the Extremity thereof to the Angle of the present Boundary at Mr. Applegath's House.

WORCESTER.

Description.

The present Borough of Worcester, and the Spaces included between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

From the Point at which the present Boundary leaves the River Severn, Southward, along that River, to the Point at which it is joined by Duck Brook; thence, Eastward, along the Southernmost Branch of that Brook to the Point at which it meets the Oxford, Worcester, and Wolverhampton Railway; thence towards Worcester along the Western Side of the said Railway to the Point at which it crosses the Occupation Road to Middle Battenhall Farm; thence, Northward, along the said Occupation Road to the London Road at Red Hill; thence, Westward, along the said Road until it meets the Occupation Road leading by the East of Lark Hill to Perry Wood; thence along the said Occupation Road to the Point at which it meets a Bridle Road leading through the Wood to Wyld's Lane; thence along the said Bridle Road until it meets the present Boundary of the Borough: and

Boundary.

Old Boroughs (England).

FIRST SCHEDULE.

From the Point at which the present Boundary leaves the Northernmost End of Perry Wood in a straight Line to the Point on the Crowle Road opposite to Ronkswood Farm at which the Pathway to the Virgin Tavern leaves the said Road; thence along the said Pathway to the Tollerdine Road; thence, Northward, along the Tollerdine Road to the Point at which it meets the Occupation Road leading to Brickfield Farm; thence, Westward, along the last-named Occupation Road and along Green Lane to the Point at which the latter meets the Astwood Turnpike Road; thence, Northward, along the last-named Road to Bilford Canal Bridge; thence along Bilford Lane to its Junction with the Droitwich Road; thence, Northward, along the Droitwich Road to its Junction with Checketts Lane; thence, Westward, along the said Lane to its Junction with the Ombersley Road; thence, Northward, along the said Road to its Junction with the First Lane leading to Northwick; thence along the said First Lane to its Junction with Northwick Lane; thence, Southward, along Northwick Lane to the Point, North of the Junction of Northwick Lane and the Ombersley Road, at which it meets the Pathway leading to the Ferry over the River Severn; thence in a straight Line to the Point in the Hallow Road opposite the Second Milestone thereon; thence, Northward, along the said Road for a Distance of Thirty Yards; thence, Westward, along a Lane to the Laughan Brook; thence, Southward, along the said Brook to the Point at which it meets the Bransford Road; thence, Eastward, along the Bransford Road to the Point at which it meets the present Boundary of the Borough.

FIRST SCHEDULE.

OLD BOROUGHS (WALES).

BEAUMARIS DISTRICT BOROUGH.

Description.

BEAUMARIS :—

Not altered.

AMLWCH :—

Not altered.

HOLYHEAD :—

The present Borough of Holyhead, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point called "Capel Ulo" (which would be reached by producing the present Boundary across the Old Port Road for a Distance of Fifty Yards in a South-westerly Direction) in a straight Line to the Point at which the present Boundary meets, and proceeds along a Road leading Northwards from the Country to the Town; thence in a straight Line to the Southernmost Point of the Group of Houses called "Stryd"; thence in a straight Line to the Southernmost Point of the Group of Houses called Millbank Gardens; thence in a straight Line to the Point at which the Lane leading from Ffynan-Goillas meets the present Boundary in the South Stack Road; thence in a South-westerly Direction along the South Stack Road for a Distance of Two hundred and eighty-five Yards to the Point at which there is a slight Bend in the Road towards Llangoch; thence in a straight Line to the Wesleyan Chapel at the Upper End of Llangoch; thence in a straight Line to the Millpond of Melyn-Twr, where the same forms the present Boundary; thence along the present Boundary to the Point at which it is crossed by the Boundary Wall of the Government Harbour Works; thence in a Westerly Direction for a Distance of about Three hundred and fifty Yards along the said Wall to the Old Bell Tower; thence in a straight Line to the Southern Extremity of a Creek lying on the Western Side of the "Soldier's Point"; thence Eastward along the Shore to the Point at which it meets the present Boundary.

LLANGEFNI :—

Not altered.

Old Boroughs (Wales).

FIRST SCHEDULE.

CARDIFF DISTRICT BOROUGH.

Description.

CARDIFF:—

The present Borough of Cardiff, and so much of the Parishes of Roath, Leckwith, and Llandaff as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the Roath Brook touches the North-eastern Angle of the present Borough, South-eastward, along the said Brook to the Point at which it is crossed by the South Wales Railway; thence, Eastward, along the South Side of the said Railway to the River Rumney; thence, Southward, along the said River to the Sea, and along the Seashore to the Westernmost Mouth of the River Ely; thence up the River Ely to the Point at which it is crossed by the Road from Cowbridge to Llandaff; thence, North-eastward, along the said Road to the Point at which it meets the Penshishly Road; thence along the Penshishly Road to the Point at which it meets the present Boundary of the Borough.

COWBRIDGE:—

Not altered.

LLANTRISSAINT:—

Not altered.

CARDIGAN DISTRICT BOROUGH.

Description.

CARDIGAN:—

The present Borough of Cardigan, and so much of the Hamlet of Pent-y-groes, in the Parish of St. Dogmel's, as is bounded on the North by the Abbey Hamlet, on the South by the Bridge-End Hamlet, on the East by the River Teifi, and on the West by the following Boundary; that is to say,

From the Point at which the Road leading from the Farmhouse and Offices called Waun-whiod intersects the Boundary of the Bridge-End and Pent-y-groes Hamlets, Northward, along the said Road as far as the Clawddcam Cross Roads; thence along the old Road leading to Maeneian to the Point at which it intersects the Boundary of the Pent-y-groes and Abbey Hamlets.

ABERYSTWITH:—

Not altered.

ADPAR:—

Not altered

LAMPETER:

Boundary.

FIRST SCHEDULE.

OLD BOROUGHS (WALES).

LAMPETER:—

Not altered.

CARMARTHEN DISTRICT BOROUGH.

Description.

CARMARTHEN:—

Not altered.

LLANELLY:—

The present Borough of Llanelly, and that Part of the Hamlet of Westfae which is nearly surrounded by the Borough, and lies to the South of the Road from Trostre Farm to the Village of Marble Hall.

CARNARVON DISTRICT BOROUGH.

Description.

CARNARVON:—

Not altered.

BANGOR:—

The present Borough of Bangor:

So much of the Local Government District of Bangor in the Parish of Bangor as is not already within the Borough: and

The Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the present Boundary of the Borough meets the Boundary of the Local Government District on the Side of the Menai Straits, along the last-mentioned Boundary to the Point at which it is intersected by the old Carnarvon Road at the Place called Pen-y-chwyntan; thence along the said Road in a South-westwardly Direction to the Point at which it is joined by an Occupation Road leading from the Farmhouse of Traws Canol; thence along the said Occupation Road to the North-eastern Angle of the said Farmhouse; thence in a straight Line to the North-eastern Angle of the Farmhouse of Bryn-Clwyd; thence in a straight Line to the Point at which the Boundary of the Local Government District is intersected by the Road leading to Pentir; thence, Eastward, along the Boundary of the said District to the Point at which it is intersected by a Road leading to Glas-dufryon; thence, Northward, along the last-mentioned Road to the Point at which it meets the present Boundary of the Borough.

CONWAY:—

Not altered.

Boundary.

Old Boroughs (Wales).

FIRST SCHEDULE.

CRICCIETH:—

The present Borough of Criccieth, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Northernmost Point of the present Boundary of the Borough in a straight Line to the House at the Slate Quarry on the Brain Brook on the Farm called Ednyfedd; thence to the nearest Point in the Brain Brook and down the said Brook towards the Sea to the Point at which it meets the present Boundary.

NEVIN:—

Not altered.

PWLLHELI:—

Not altered.

DENBIGH DISTRICT BOROUGH.

Description.

DENBIGH:—

From the Well called Ffynnon-Ddu in a straight Line to the Point at which the Road leading to Berllanbach joins the Road from Tymawr to Denbigh; thence along the Road to Berllanbach; thence in a straight Line to the Junction of Roads at Bryn-mulan; thence along the Road which passes Rosabach to the Point at which it joins the Road leading from Maesy-Plwm to Bryn-y-Gwynt; thence along the Road which passes to the West of Segroitucha to the Point at which it joins the Road leading from Cerrig-y-druidion to Denbigh; thence, Westward, along the Cerrig-y-druidion Road to the Gate of the Road leading to Plas-Captain; thence along the last-named Road to Plas-Captain House; thence in a straight Line to the Boundary Stone at a Place called Waen-Twm-Pi on the Road from Nantglyn to Denbigh; thence in a straight Line to Pandy Fulling Mill or Factory (sometimes called Pandyissa); thence in a straight Line to Pandyucha; thence in a straight Line to Fach-House; thence in a straight Line to the East Corner of Bryncoch House (excluding that House); thence in a straight Line to the Centre of Henllan Parish Pound at the Cross Roads near Erriviattbach; thence in a straight Line to Ffynnon Meirchion at Pandy Henllan; thence along the Stream called Aber-Meirchion to the Point on it opposite Henllan Mill; thence in a straight Line to the Keeper's Cottage at the Back of Henllan Vicarage, near to Garn Gardens; thence in a straight Line to Garn House; thence in a straight Line to Plas Heaton House; thence in a straight Line to the Well called Ffynnon

Boundary.

FIRST SCHEDULE.

OLD BOROUGHS (WALES).

Ffynnon Cneifiwr; thence along the Stream issuing from that Well to the Point at which the said Stream enters the River Clwyd; thence along the River Clwyd to the Point at which it is joined by the Aberham Stream; thence along the Aberham Stream to the Point first described.

HOLT:—

Not altered.

RUTHIN:—

Not altered.

WREXHAM:—

The present Borough of Wrexham, and the Space included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point South of Croesyneiris Farm, at which the Township of Wrexham Regis joins the Townships of Acton and Stansty, along the Boundary of the Township of Stansty to Watt's Dyke, at which it meets the Boundary of the Township of Gwersyllt; thence along the Boundary between the Townships of Stansty and Gwersyllt to the Point at which it meets the Road leading from Rhosddu to Rhosrobin; thence, Southward, along the said Road to the Point at which it meets the Railway; thence along the Road South of the Park Wall of the Lodge to the Four Cross Roads leading to Wheatsheaf, Wrexham, and Plascoch; thence along the Township Road leading past Plascoch to the Plascoch Toll Bar on the Wrexham and Mold Turnpike Road; thence along the said Township Road to its Junction with the Road to Brymbo and Croesnewydd; thence along the last-named Township Road to its Junction with the Wrexham South Sea Township Road near to Croesnewydd Farm Gate; thence, Westward, along the said Road to its Junction with the Canal Lane; thence along the same to its Junction with the Wrexham and Ruthin Turnpike Road; thence, Eastward, along the said Turnpike Road to its Junction with the College Lane; thence along the said Lane to its Junction with the Wrexham and Bersham Townships Road; thence, crossing the said Townships Road, along the Road leading to Esless' Corn Mill to the said Mill; thence along the Footway South of the said Mill to the Wooden Bridge leading over the Great Western Railway, and along the said Footway to the Point at which it joins the Wrexham and Ruabon Turnpike Road; thence, Northward, for a Distance of about One hundred Yards along the said Turnpike Road to its Junction with the old Road leading to Ruabon; thence, Southward, along the said last-mentioned Road to the Gateway of the Lane leading through Little Erddig Farmyard to Erddig Park to the Point in the present Boundary of the Borough at the Bridge under the private Carriage Drive in Erddig Park.

Boundary.

Old Boroughs (Wales).

FIRST SCHEDULE.

FLINT DISTRICT BOROUGH.

Description.

FLINT :—

The present Borough of Flint and the Township of Coleshill Fechan.

CAERGWYLE :—

Not altered.

CAERWYS :—

Not altered.

HOLYWELL :—

The present Borough of Holywell, together with so much of the Townships of Whelstone, Bagillt Fawr, Bagillt Fechan, Brynford, and Holywell as lies between the present Boundary of the Borough and the following Boundaries respectively ; that is to say,

Whelstone, Bagillt Fawr, and Bagillt Fechan.—From the Point in the Eastern Corner of the present Boundary of the Borough at which the Townships of Greenfield and Whelstone meet on the Shore of the Estuary of the Dee, Southward, along the said Estuary to the Junction of the Townships of Bagillt Fechan and Coleshill Fechan ; thence, Westward, from the Shore, along the Boundary of the Township of Bagillt Fechan, to the Point at which the said Boundary is intersected by an Occupation Road leading from the Hamlet of Farm to Gadlas ; thence, Northward, along the said Occupation Road, and along the Road leading to Holywell, to the Point at which it crosses the Boundary between the Townships of Bagillt Fechan and Bagillt Fawr ; thence along the said Road to the Point at which the Rivulet separating the Townships of Bagillt Fawr and Whelstone passes under the said Road ; thence along the said Road to the Point at which it meets the present Boundary of the Borough at the Junction of the Townships of Whelstone, Holywell, and Brynford, at Nant Elbrook :

Brynford.—From the Point in the present Boundary of the Borough at the Junction of the Townships of Whelstone, Holywell, and Brynford, Southward, along the Rivulet in the Wood of Nant Elbrook to the Point at which it is joined by a tributary Stream running down thereto from the House and Grounds of Pistill ; thence along the said Stream, South-westward, to the Point at which it crosses the Mold Turnpike Road ; thence, Northward, in a straight Line to the Boundary Stone of the present Borough at Pen-y-bryn Hill :

Holywell.—From the Boundary Stone of the present Borough at Pen-y-bryn Hill, North-westward, in a straight Line crossing the Pen-y-ball

Boundary.

FIRST SCHEDULE.

OLD BOROUGHS (WALES).

Pen-y-ball Road to the South-west Corner of the Farmhouse called The Grange; thence, North-eastward, in a straight Line to the Boundary Stone at the Westernmost Angle of the present Boundary of the Borough.

MOLD:—

The present Borough of Mold, and so much of the Townships of Bryncanillt and Broncoed as lies between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the Road called the Ffordd-Glai leading from High Street crosses the present Boundary, Southward, along that Road to the Point at which it meets the Road from Pen-y-fford to Pwll-melyn; thence in a South-easterly Direction along the latter Road, passing Pen-y-fford and the Ruthin Road, to the Point near Glanraffon Colliery at which it turns to the North-east, in the Direction of the Town; thence along the Fence which divides the Two Fields numbered respectively 2251 and 2254 on the Tithe Map of the Parish of Mold from the Field numbered 2262 on the said Tithe Map to the Point at which the said Fence intersects a Stream running in an Easterly Direction; thence up the said Stream and along the Fence which runs on the South Side of the Field numbered 2261 on the said Tithe Map; thence along the West and South Sides of the Field numbered 2311 on the said Tithe Map; thence along the South Side of the Meadow (numbered 2313 on the said Tithe Map) adjoining the Garden; thence for a Space of about Twenty Yards along the West Side of the Field numbered 2409 on the said Tithe Map; thence along the South Fence of the said Field and of the Field numbered 2408 on the said Tithe Map to the Point at which the said Fence meets a Lane leading from Broncoed to a Place called The Little Mill; thence along the said Lane to the Point at which it joins the Road leading from Mold to Nerquis; thence along the said Road in a North-westerly Direction to the Point at which it meets the Mold and Wrexham Turnpike Road; thence along the said Turnpike Road, towards Mold for about One hundred Yards, to the Point at which the Lane leading past Broomfield to Pentre leaves it in a North-easterly Direction; thence along the said Lane to the Point at which it meets the present Boundary of the Borough.

OVERTON:—

Not altered.

RHUDDLAN:—

From the Point in the Boundary of the Manor of Rhuddlan in the River Clwyd, South of the Town of Rhuddlan, at which the Boundary between the Townships of Pengwern and Gwernglefryd meets the River Clwyd, Southward, along the Boundary of the said Manor through Pengwern Park, and through Sarn, Ferm, and Faenol-

Old Boroughs (Wales).

Faenol-fawr Farms, to the Point at which the said Manor Boundary meets the Boundary of the Parish of Abergele and the Boundary of the County of Denbigh; thence, Northward, along the Boundary of the said Manor and County to the River Clwyd; thence, South-eastward, along the River Clwyd to the Point at which the Boundary between the Townships Yscawen and Cefndu meets the said River; thence, North-eastward, along the Boundary between the Two last-mentioned Townships, and along the exterior Boundary of the Townships of Yscawen and Brynywall, to the Point at which the Boundary between the Townships of Brynywall and Rhydorddwy meets the Boundary of the Parish of Dyserth; thence, Southward, along the Boundary between the Parishes of Rhuddlan and Dyserth, and along the Boundary between the Parishes of Rhuddlan and Cwm, to the River Clwyd; thence, North-westward, along the River Clwyd to the Point first described.

St. Asaph:—

Not altered.

MERTHYR TYDVIL.

The present Borough of Merthyr Tydvil, and so much of the Local Government District of Mountain Ash, in the Parish of Llanwonno, as is not included in the present Borough.

PEMBROKE DISTRICT BOROUGH.

Description.

Pembroke:—

The present Borough of Pembroke, and such Part of the Parish of Llanstadwell as is included between the present Boundary of the Borough and the following Boundary; that is to say,

From the Northernmost Point of Pater Battery at Pembroke Dockyard, Northward, in a straight Line to the Middle of the Ford across the Stream which runs through Church Lake, at which it meets the Sea Coast at the High-water Mark of ordinary Tides; thence up the said Stream to the Point at which it meets a Road running South from Little Honeyborough; thence along the said Road to the cross Roads at Little Honeyborough; thence, Eastward, along the Road which runs East from the said cross Roads to the Point at which it meets the Road running South from Sheeping to Honeyborough; thence, Northward, along the last-mentioned Road to the Point at which it crosses the Northern Branch of a Stream near Sheeping which runs into Washfill Pill; thence down the said Stream to the Point at which it meets the Eastern Boundary of the Parish of Llanstadwell; thence, Southward, along the said Parish Boundary to the Sea Shore, and in a straight Line to be drawn in Direction of the Powder Magazine between Hobb's Point and Pembroke Ferry, to the Point at which it meets the present Boundary of the Borough.

Milford:

MILFORD:—

Not altered.

TENBY:—

Not altered.

WISTON:—

Not altered.

SWANSEA DISTRICT BOROUGH.

SWANSEA:—

The present Borough of Swansea, and such Parts of the Parishes of Swansea and Llangefelach as lie between the present Boundary of the Borough and the following Boundaries respectively; that is to say,

Swansea.—From the Point at which the present Boundary meets the Cwm-Bwrla Road at the Public House called the 'Travellers Well,' Westward along the said Road to the Point at which it is met by a Lane which runs in a Northerly Direction to the Loughor Road; thence along the said Lane and across the Loughor Road to the Point at which the Eastern Side of the Lane meets the Eastern Fence of the Field numbered 1609 on the Tithe Map of the Parish of Llangefelach; thence along the said Fence, and thence to the nearest Point of the present Boundary.

Llangefelach, No. 1.—From the Point at which the present Boundary meets the Western Fence of the Field numbered 2481 on the Tithe Map of the Parish of Llangefelach, Northward along the said Fence, and along the Western Fence bounding the Fields numbered respectively 2483 and 2482 on the said Map, to the Point at which the said Fence meets the Road from Penlan Farm; thence, Eastward, along the said Road to the Point at which it meets the present Boundary.

Llangefelach, No. 2.—From the Point of the present Boundary at which the Roads called Heol-y-Cnap and Heol-y-Castell respectively join, Northward along the said Road 'Heol-y-Castell' to the Point at which it meets Duke's Road; thence, Westward, along Duke's Road to the Point at which it meets the Road from Three Classes; thence, Northward, along the Road running from Three Classes to the Point at which the same meets the Road from Llangefelach; thence, Eastward, along the Llangefelach Road to the Point at which it meets the present Boundary at the 'Cross,' where the last-mentioned Road crosses the Road to Clydach.

ABERAVON:—

The present Borough of Aberavon and so much of the Hamlet of Michaelstone Lower as is not already included in the Borough.

KENFIG:—

Not altered.

LOUGHOR:—

Not altered.

NEATH:

Boundary.

FIRST SCHEDULE.

OLD BOROUGHS (WALES).

NEATH:—

The present Borough of Neath, and such Parts of the Hamlets of Blaenhondden and Dyffryn Clydach respectively as lie between the present Boundary of the Borough and the following Boundary; that is to say,

From the Point at which the South Wales Railway running West from the Town of Neath crosses the present Boundary, along the South Side of the said Railway, to the Point at which it first crosses the Boundary of the Hamlet of Dyffryn Clydach; thence along the same Side of the said Railway to the Point at which it again crosses the said Boundary; thence, Southward, along the Western Boundary of the said Hamlet of Dyffryn Clydach, to the Point at which it meets the present Boundary of the Borough.

SECOND SCHEDULE.

NEW BOROUGHS.

BURNLEY.

Description.

The Township of Burnley, and so much of the Township of Habergham Eaves as lies to the North of the following Boundary; that is to say,

From the Point on the West at which the Boundary of the Township of Habergham Eaves crosses the Road from Burnley to Accrington at the Canal, along that Road towards Burnley to the Point at which it is met by the cross Road coming from Causeway End; thence in a South-easterly and Easterly Direction along the Road to Causeway End to the Point at which it meets the Road from Burnley to Rochdale; thence, Northward, along the Rochdale and Burnley Road to the Point at which it is met by the Footpath called the Rabbit Walk; thence, Eastward, along the said Footpath to the River Calder, and in a straight Line across the said River to the Boundary of the Township of Burnley at Towneley Deer Park.

CHELSEA.

Description.

The Parish of St. Luke, Chelsea (including the detached Portion).

The Parish of Fulham.

The Parish of Hammersmith.

The Parish of St. Mary Abbotts, Kensington.

So much of the Parish of Willesden at Kensal Green as adjoins the Parish of Kensington, and the detached Portion of the Parish of Chelsea, and lies to the South of the London and North-western Railway, and to the West of a straight Line to be drawn from the Junction of the Parishes of Willesden and Paddington with the detached Portion of the Parish of Chelsea, to the nearest Point in the Southern Fence of the London and North-western Railway opposite to the said Junction.

DARLINGTON.

Description.

The Municipal Borough of Darlington.

DEWSBURY.

Description.

The Township of Dewsbury:

So much of the Township of Batley as lies to the South of the following Boundary; that is to say,

From the Junction of the Townships of Heckmondwike, Gomersall, and Batley at Smithies Moor, Eastward, to the Point at Upper Batley at which

Boundary.

New Boroughs.

SECOND SCHEDULE.

which a Bridle Road passing Batley Hall joins Upper Batley Lane; thence along the said Bridle Road about Two hundred and forty Yards to the Point at which it turns Southwards; thence in a straight Line to the Point on the Eastern Boundary of the Township at which Howley Beck is crossed by the Footpath leading from Upper Batley to School Croft:

The Nether Division of the Township of Soothill:

The Local Government District of Ravensthorpe in the Parish of Mirfield: and

So much of the Township of Thornhill as lies to the North of the following Boundary; that is to say,

From the Point in the River Calder near Greenwood Lock at which the Boundary between the Parishes of Mirfield and Thornhill leaves the said River, South-eastward, to the Point at which the Cromwell Colliery Railway crosses the Bridle Road leading to Thornhill Lees, about Three hundred and thirty-five Yards from the South Side of Moor Lane, measured along the said Railway; thence, Eastward, in a straight Line to the Point near Hill Top at which the long Causeway joins the Road leading from Thornhill Road to Hill Top; thence in a straight Line to the Junction of the Townships of Thornhill, Soothill, and Ossett-cum-Gawthorpe in the River Calder.

GRAVESEND.

Description.

The Parishes of Milton and Gravesend, and so much of the Parish of Northfleet (not including its detached Portion) as lies to the North of the Old Roman Road called "Watling Street."

MIDDLESBOROUGH.

Description.

The Municipal Borough of Middlesborough, and such Parts of the Townships of Ormesby, Normanby, and Eston as lie to the North of a straight Line to be drawn from the South-east Angle of the Municipal Boundary at Ormesby Beck to a Stile on the Eastern Boundary of the said Township of Eston, at which Stile the Footpath leading Westward from Lackenby Lane, near Thorntree House, crosses Lackenby Beck.

STALYBRIDGE.

Description.

The Municipal Borough of Stalybridge, and that Portion of the Township of Dukinfield which is not included in the Municipal Borough of Stalybridge, or in the Parliamentary Borough of Ashton-under-Lyne.

STOCKTON-

SECOND SCHEDULE.

NEW BOROUGHS.

STOCKTON-ON-TEES.

Description.

The Township of Stockton :

The Township of Thornaby :

So much of the Township of Linthorpe as lies to the North of the new navigable Channel or Cut of the River Tees : and

So much of the Parish of Norton as is included within the following Boundary; that is to say,

From the Point at which the Parishes of Norton, Billingham, and Stockton meet in Billingham Beck, Northward, along the Boundary of the Parish of Norton until it reaches a Point at which a Path from Crook Dike Lane, and the Ironworks, going in a North-westerly Direction, begins to pass closely between the Mill Race of Wolviston Mill and Billingham Beck; thence leaving Billingham Beck and the Parish Boundary of Norton, and crossing that Path in a South-westerly Direction to the Centre of the said Mill Race; thence, South-eastward, along the said Mill Race for a Distance of about One hundred Yards, to the Angle of the said Mill Race, at which a small Beck meets it from the South; thence up the said small Beck in a Westerly Direction to and through Whitehouse Plantation to the Point at which that Beck crosses the West Hartlepool Railway; thence along the South Side of the said Railway in a Westerly Direction to the Point at which the Stockton and Durham High Road crosses the said Railway; thence in a South-easterly Direction along the said Road to the Turnpike at which a Lane from Norton crosses it; thence along the said Lane, Westward, for a Distance of about Thirty Yards, to the Point at which it is joined by another Lane coming from the South; thence along this last-mentioned Lane in a South-easterly Direction to the Point at which it meets the Boundary of the Township of Stockton; thence, Eastward, along the Boundary of the Township of Stockton to the Point first described.

WEDNESBURY.

Description.

The Parishes of Wednesbury, West Bromwich, Tipton, and Darlaston.

THIRD SCHEDULE.

Divisions of Counties.

DIVISIONS OF COUNTIES.

Name of County divided.	Division.	Parts comprised in such Division.
SOMERSETSHIRE -	East Somerset - -	*The existing Sessional Divisions of— Frome, Keynsham, Kilmersdon, Long Ashton, Temple Cloud, Weston,

* The Parishes and Places in the existing Sessional Division of Frome are—

Beckington.	Laverton.	Nunney.	Wanstrow.
Berkley.	Leigh-upon-Mendip.	Orchardleigh.	Whatley.
Cloford.	Lullington.	Road.	Witham Friary.
Elm.	Marston Bigott.	Rodden.	Woolverton.
Frome Selwood.	Mells.	Standerwick.	

The Parishes and Places in the existing Sessional Division of Keynsham are—

Brislington.	Keynsham.	Publow.
Burnet.	Marksbury.	Queen Charlton.
Compton Dando.	Norton Malreward.	Saltford.
Felton otherwise Whitchurch.	Pensford.	Stanton Drew.
	Priston.	Stanton Prior.

The Parishes and Places in the existing Sessional Division of Kilmersdon are—

Ashwick.	Hemington.	Stratton-on-the-Fosse.
Babington.	Holcombe.	Writhlington.
Buckland Dinham.	Kilmersdon.	
Hardington.	Radstock.	

The Parishes and Places in the existing Sessional Division of Long Ashton are—

Abbots Leigh.	Clevedon.	Kingston Seymour.	Weston-in-Gordano.
Backwell.	Dundry.	Long Ashton.	Winford.
Barrow Gurney.	Easton-in-Gordano otherwise Saint George.	Nailsea.	Wraxall.
Bedminster.		Portbury.	Yatton.
Brockley.		Portishead.	
Chelvey.	Flax Bourton.	Tickenham.	
Clapton.	Kenn.	Walton-in-Gordano.	

The Parishes and Places in the existing Sessional Division of Temple Cloud are—

Cameley.	Compton Martin.	Hinton Blewett.	Stowey.
Chelwood.	East Harptree.	Litton.	Timsbury.
Chew Magna.	Emberrow.	Midsomer Norton.	Ubley.
Chewton Mendip.	Farrington Gurney.	Nempnett.	West Harptree.
Chewstoke.	Farmborough.	Norton Hawkfield.	
Chilcompton.	Green Ore.	Paulton.	
Clutton.	High Littleton.	Stone Easton.	

The Parishes and Places in the existing Sessional Division of Weston are—

Bathampton.	Englishcombe.	Monckton Combe.	Swainswick.
Batheaston.	Farleigh.	Newton Saint Loe.	Tellisford.
Bathford.	Foxcote otherwise Forscote.	Norton Saint Philip.	Twerton.
Bathwick.		Northstoke.	Walcot.
Camerton.	Freshford.	Saint Catherine.	Wellow.
Charlcombe.	Hinton Charterhouse.	Saint James.	Weston.
Claverton.	Kelston.	Saint Michael.	Woolley.
Combhay.	Langridge.	Saint Peter and Saint Paul.	
Corston.	Lyncombe and Widcombe.	Southstoke.	
Dunkerton.			

Boundary.

THIRD SCHEDULE.

DIVISIONS OF COUNTIES.

Name of County divided.	Division.	Parts comprised in such Division.
SOMERSETSHIRE—*cont.*	East Somerset—*cont.* -	As established by virtue of the Order of Her Majesty's Justices of the Peace for the County of Somerset, and the following Parishes within the existing Sessional Division of Axbridge established by virtue of the said Order, viz.:— Banwell, Blagdon, Burrington, Butcombe, Charterhouse-on-Mendip, Christon, Churchill, Congresbury, Hutton, Kewstoke, Locking, Puxton, Rowberrow, Shipham, Uphill, Weston-super-Mare, Wick St. Lawrence, Winscombe, Worle, and Wrington.
	Mid Somerset - -	*The existing Sessional Divisions of— Crewkerne, Shepton Mallet, Somerton, Wells, Wincanton, and Yeovil,

* The Parishes and Places in the existing Sessional Division of Crewkerne are—

Crewkerne.	Lopen.	Misterton.	Wayford.
Haselbury Plucknett.	Merriott.	North Perrott.	West Chinnock.
Hinton Saint George.	Middle Chinnock.	Seaborough.	

The Parishes and Places in the existing Sessional Division of Shepton Mallet are—

Batcombe.	East Cranmore.	Milton Clevedon.	Upton Noble.
Croscombe.	East Pennard.	Pilton.	West Cranmore.
Ditcheat.	Evercreech.	Pylle.	
Doulting.	Hornblotton.	Shepton Mallet.	
Downhead.	Lamyat.	Stoke Lane.	

The Parishes and Places in the existing Sessional Division of Somerton are—

Aller.	Compton Dundon.	Langport.	Walton.
Babcary.	East Lydford.	Long Sutton.	West Camel.
Baltonsborough.	High Ham.	Muchelney.	West Lydford.
Barton Saint David.	Huish Episcopi.	Pitney.	Yeovilton.
Butleigh.	Kingsdon.	Puddimore Milton.	
Charlton Adam.	Keinton Mandeville.	Somerton.	
Charlton Mackrell.	Kingweston.	Street	

Boundary.

DIVISIONS OF COUNTIES.

THIRD SCHEDULE.

Name of County divided.	Division.	Parts comprised in such Division.
SOMERSETSHIRE—*cont.*	Mid Somerset—*cont.*	As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and the following Parishes within the existing Sessional Division of Axbridge established by virtue of the said Order, viz.:— Axbridge, Badgworth, Berrow, Biddisham, Bleadon, Brean, Burnham, Chapel Allerton, Cheddar, Compton Bishop, East Brent, Loxton, Lympsham, Mark, South Brent, Weare, and Wedmore.

The Parishes and Places in the existing Sessional Division of Wells are—

Binegar.
Dinder.
In-Parish of Saint Cuthbert in Wells.
Out-Parish of Saint Cuthbert in Wells.
Liberty of Saint Andrew in Wells.
Meare.
North Wootton.
Nyland and Batcombe.
Priddy.
Rodney Stoke.
United Parishes of Saint John the Baptist and Saint Benedict in the Town of Glastonbury.
West Bradley.
West Pennard.
Westbury.
Wookey.

The Parishes and Places in the existing Sessional Division of Wincanton are—

Alford.
Ansford.
Blackford.
Bratton Seymour.
Bruton.
Castle Cary.
Charlton Horethorne.
Charlton Musgrove.
Compton Pauncefoot.
Corton Dinham.
Cucklington.
Eastrip.
Four Towers.
Gasper (Hamlet).
Goathill.
Henstridge.
Horsington.
Holton.
Kilmington.
Lovington.
Maperton.
Milborne Port.
North Barrow.
North Bruham.
North Cadbury.
North Cheriton.
Penselwood.
Pitcombe.
Pointington.
Sandford Orcas.
Shepton Montague.
South Barrow.
South Bruham.
South Cadbury.
Stoke Trister.
Stowell.
Sutton Montis.
Temple Combe.
Weston Bampfylde.
Wheathill.
Wincanton.
Yarlington.
Yarnfield (Hamlet).

The Parishes and Places in the existing Sessional Division of Yeovil are—

Ashington.
Barwick.
Brimpton.
Chilthorne Domer.
Chilton Cantelo.
Chiselborough.
Closworth.
East Chinnock.
East Coker.
Hardington Mandeville.
Ilchester.
Limington.
Lufton.
Marston Magna.
Martock.
Montacute.
Mudford.
Northover.
Norton under Hamdon.
Odcombe.
Pendomer.
Preston Plucknett.
Queen Camel.
Rimpton.
Sock Dennis.
Sparkford.
Stoke under Hamdon.
Sutton Bingham.
Thorne Coffin.
Tintinhull.
Trent.
West Coker.
Yeovil.

Boundary.

THIRD SCHEDULE.

DIVISIONS OF COUNTIES.

Name of County divided.	Division.	Parts comprised in such Division.
YORKSHIRE, WEST RIDING.	Northern Division -	The Wapentake of— Ewecross and Staincliffe, The Parishes of— Bradford and Halifax, The Townships of— Bolton and Idle, } in the Wapentake of Morley.
	Eastern Division -	The Wapentakes of— Claro, Skyrack, Barkstonash, Osgoldcross, and Morley (except the Parishes of Bradford and Halifax and the Townships of Bolton and Idle).

FOURTH SCHEDULE.

COURTS FOR ELECTION OF MEMBERS.

County.	Division.	Places appointed for holding Courts for Election of Members.
Devonshire - -	North Devonshire -	Barnstaple.
Essex - - -	North-east Essex -	Colchester.
Lincolnshire - -	South Lincolnshire -	Spalding.
West Kent - -	West Kent - -	Sevenoaks.
Yorkshire, West Riding	Northern Division -	Bradford.
„ „ „	Eastern Division - -	Leeds.

FIFTH

FIFTH SCHEDULE.

CONTENTS OF THE HUNDREDS OF PIREHILL.

CONTENTS of the HUNDREDS of PIREHILL.

PIREHILL, NORTH.	PIREHILL, SOUTH.
Ashley.	Abbot's Bromley.
Audley.	Adbaston.
Balterley.	Blithfield-with-Newton.
Barlaston.	Chartley Holme.
Betley.	Chebsey.
Biddulph.	Cold Norton.
Burslem.	Colton.
Chapel and Hill Chorlton.	Colwich.
Keele.	Cresswell.
Madeley.	Eccleshall.
Maer.	Ellenhall.
Muclestone.	Fradswell.
Newcastle-under-Lyme.	Gayton.
Normicott.	High Offley.
Norton-in-the-Moors.	Hopton and Coton.
Standon.	Ingestre.
Stoke-upon-Trent.	Marston.
Swinnerton.	Milwich.
Trentham.	Ranton.
Tyrley and Bloore, with Hales and Almington.	Ranton Abbey.
Whitmore.	Salt and Enson.
Wolstanton.	Sandon.
	Seighford.
	Stafford, St. Mary and St. Chad.
	Stone.
	Stowe.
	Tillington.
	Tixall.
	Weston upon Trent.
	Whitgreave.
	Worston.
	Yarlet.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XLVII.

An Act to amend "The Consecration of Churchyards Act, 1867." [13th *July* 1868.]

WHEREAS it is expedient that the Consecration of Churchyards Act, 1867, should be amended as hereinafter mentioned: 30 & 31 Vict. c. 133.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Giver of Land may reserve exclusive Right to Extent of One Sixth.

1. That in all Cases where by the said Act the Giver of any Land to be added to a consecrated Churchyard is empowered to reserve the exclusive Right in perpetuity of Burial, and of placing Monuments and Gravestones, in a Part of the Land so added not exceeding Fifty Square Yards or One Sixth of the whole of the said Land, in the Manner and subject to the Conditions and Restrictions in the said Act mentioned, it shall be lawful for the Giver of such Land to reserve such exclusive Right as aforesaid in a Part of the Land so added not exceeding One Sixth of the whole of the said Land, subject to the Restrictions and Conditions and in the Manner and for the Purposes in the said Act mentioned, and the said Act shall be read as if in the Ninth Section thereof the Words "not

exceeding One Sixth Part of the whole of the said Land" were substituted for the Words "not exceeding Fifty Square Yards or One Sixth of the whole of the said Land:" Provided always, that all Powers with regard to the placing or Erection of Monuments and Gravestones in Churchyards which before the passing of the said Act by Law pertained to the Bishop of the Diocese, or to any Person acting under his Authority, shall remain in full Force in respect to the Land in which such exclusive Right shall have been reserved as aforesaid.

Recited Act to apply to Burial Grounds to Unions.

2. The Provisions of the said Act shall apply to Burial Grounds attached or belonging to Union Houses in *England* and *Wales*.

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VICTORIÆ REGINÆ.

***

when registered, to vote at Elections for a Member or Members to serve in Parliament for a Burgh, who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, is qualified as follows; that is to say,

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is, and has been for a Period of not less than Twelve Calendar Months next preceding the last Day of *July*, an Inhabitant Occupier as Owner or Tenant of any Dwelling House within the Burgh:

Provided that no Man shall under this Section be entitled to be registered as a Voter who, at any Time during the said Period of Twelve Calendar Months, shall have been exempted from Payment of Poor Rates on the Ground of Inability to pay; or who shall have failed to pay, on or before the First Day of *August* in the present or the Twentieth Day of *June* in any subsequent Year, all Poor Rates (if any) that have become payable by him, in respect of said Dwelling House or as an Inhabitant of any Parish in said Burgh, up to the preceding Fifteenth Day of *May*; or who shall have been in the Receipt of Parochial Relief within the Twelve Calendar Months next preceding the said last Day of *July*: Provided also, that no Man shall under this Section be entitled to be registered as a Voter by reason of his being a Joint Occupier of any Dwelling House.

Lodger Franchise for Voters in Burghs.

4. Every Man shall in and after the Year One thousand eight hundred and sixty-eight be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a Burgh, who is qualified as follows; (that is to say,)

1. Is of full Age and not subject to any legal Incapacity; and
2. As a Lodger has occupied in the same Burgh separately, and as sole Tenant for the Twelve Months preceding the last Day of *July* in any Year, Lodgings of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards; and
3. Has resided in such Lodgings during the Twelve Months immediately preceding the last Day of *July*, and has claimed to be registered as a Voter at the next ensuing Registration of Voters.

Ownership Franchise for Voters in Counties.

5. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote at the Election of a Member or Members to serve in Parliament for a County, who, when the Sheriff proceeds to consider his Right to be inserted or retained on the Register of Voters, is qualified as follows; that is to say,

1. Is of full Age, and not subject to any legal Incapacity; and

2. Is,

2. Is, and has been for a Period of not less than Six Calendar Months next preceding the last Day of *July*, the Proprietor (whether he has made up his Titles, or is infeft, or not) of Lands and Heritages, the yearly Value of which, as appearing from the Valuation Roll of the County, shall be Five Pounds or upwards, after Deduction of any Feu Duty, Ground Annual, or other annual Consideration which he may be bound to pay or give or account for as a Condition of his Right, and after Deduction of any Annuity, Life-rent Provision, or such other annual Burden.

Occupation Franchise for Voters in Counties.

6. Every Man shall be entitled to be registered as a Voter, and, when registered, to vote at Elections for a Member to serve in Parliament for a County, who, when the Sheriff proceeds to consider his Right to be inserted or retained in the Register of Voters, is qualified as follows; that is to say,

1. Is of full Age and not subject to any legal Incapacity; and
2. Is, and has been during the Twelve Calendar Months immediately preceding the last Day of *July*, in the actual personal Occupancy as Tenant of Lands and Heritages within the County of the annual Value of Fourteen Pounds or upwards, as appearing on the Valuation Roll of such County:

Provided that no Man shall under this Section be entitled to be registered who, at any Time during the said Period of Twelve Calendar Months, shall have been exempted from Payment of Poor Rates on the Ground of Inability to pay; or who shall have failed to pay, on or before the First Day of *August* in the present or the Twentieth Day of *June* in any subsequent Year, all Poor Rates (if any) that have become payable by him in respect of said Lands and Heritages up to the preceding Fifteenth Day of *May*; or who shall have been in the Receipt of Parochial Relief within Twelve Calendar Months next preceding the said last Day of *July*.

Restriction on Number of Votes in Glasgow.

7. At a contested Election for the City of *Glasgow* no Person shall vote for more than Two Candidates.

Electors employed for Reward within Six Months of an Election not to vote.

8. No Elector who, within Six Months before or during any Election for any County or Burgh, shall have been retained, hired, or employed for all or any of the Purposes of the Election for Reward by or on behalf of any Candidate at such Election as Agent, Canvasser, Clerk, Messenger, or in other like Employment, shall be entitled to vote at such Election; and if he shall so vote, he shall be guilty of a Crime and Offence.

PART

PART II.

Distribution of Seats.

New Seats for the Universities of Glasgow and Dundee, and Counties of Lanark, Ayr, and Aberdeen.

9. In all future Parliaments the Universities of *Scotland* shall return Two Members to serve in Parliament; the City of *Glasgow* shall return Three Members to serve in Parliament; and the Town of *Dundee*, and the Counties of *Lanark*, *Ayr*, and *Aberdeen*, shall each return Two Members to serve in Parliament; and one of the Members for the Universities of *Scotland* shall be returned jointly by the University of *Edinburgh* and the University of *St. Andrews;* and the other of such Members shall be returned jointly by the University of *Glasgow* and the University of *Aberdeen*.

Counties of Selkirk and Peebles to be united, and new District of Burghs to return One Member.

10. From and after the End of the present Parliament the County of *Selkirk* shall cease to return a Member to serve in Parliament, and the County of *Peebles* shall cease to return a Member to serve in Parliament, and the said Counties shall jointly return One Member to serve in Parliament; and the Burghs and Towns of *Hawick*, *Galashiels*, and *Selkirk*, specified in Schedule (A.) hereto annexed, shall be constituted into a District of Burghs, and such District shall return One Member to serve in Parliament.

Certain Counties to be divided, and each Division to return a Member.

11. From and after the End of the present Parliament each County named in the First Column of Schedule (B.) to this Act annexed shall be divided into Two Divisions named in the Second Column of the said Schedule; and, until otherwise directed by Parliament, each of such Divisions shall consist of the Parishes mentioned in the Third Column of the said Schedule; and each of such Divisions shall in all future Parliaments return One Member to serve in Parliament, in the same Manner as if each such Division were a separate County.

Registers of Voters to be formed for new Burghs and Divisions of Counties.

12. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of the present Parliament, for and in respect of the Divisions of Counties constituted under this Act, in like Manner as if such Divisions had previously to the passing of this Act been separate Counties returning Members to serve in Parliament; and also for and in respect of the Burghs constituted by this Act in like Manner as if before the passing of this Act they respectively had been Burghs returning or contributing to return Members to serve in Parliament.

PART III.

Supplemental Provisions.

Incidents of Franchise.

Successive Occupancy.

13. Different Premises occupied in immediate Succession by any Person as Owner or Tenant during the Twelve Calendar Months next previous to the last Day of *July* in any Year shall have the same Effect in qualifying such Person to vote for a Burgh or County respectively as a continued Occupancy of the same Premises in the Manner herein provided: And this Provision shall apply to the successive Occupancy of Premises in Counties of the annual Value of Fifty Pounds and upwards, as well as to Premises which for the First Time under this Act afford the Qualification for the Franchise.

Liferenters.

Joint Owners and Joint Occupants.

14. In a County where Two or more Persons are interested as Liferenter and as Fiar in any Lands and Heritages to which a Right of voting is for the First Time attached by this Act, the Right to be registered and to vote shall be in the Liferenter, and not in the Fiar: And where any such Lands and Heritages shall be owned, held, or occupied by more Persons than One as Joint Owners, whether in Fee or in Liferent, or as Joint Tenants and Joint Occupants of the same, as the Case may be, each of such Joint Owners shall be entitled to be registered and to vote, provided his Share or Interest in the said Lands and Heritages is of the annual Value of Five Pounds as before specified, but not otherwise; and each of such Joint Tenants and Joint Occupants shall in like Manner be entitled to be registered and to vote, provided the annual Value of the said Lands and Heritages, as appearing on the Valuation Roll, held and occupied by them shall be sufficient, when divided by the Number of such Joint Tenants and Joint Occupants, to give to each of them a Sum of not less than Fourteen Pounds, but not otherwise: Provided always, that no greater Number of Persons than Two shall be entitled to be registered as Joint Owners or Joint Tenants of the same Lands and Heritages unless their Shares or Interests in the same shall have come to them by Inheritance, Marriage, Marriage Settlement, or *mortis causâ* Conveyance, or unless such Joint Owners or Joint Tenants shall be *bonâ fide* engaged as Partners carrying on Trade or Business in or on such Lands and Heritages: Provided also, that Husbands shall be entitled to be registered and to vote in respect of Lands and Heritages as aforesaid belonging, whether in Fee or in Liferent, to their Wives,

Husbands in right of their Wives.

or owned or possessed by such Husbands after the Death of their Wives by the Courtesy of *Scotland*.

Valuation Rolls.

Dwelling Houses to be specially entered in Valuation Rolls.

15. In every future Valuation Roll to be made up in any Burgh, under the Provisions of the Valuation Acts in force for the Time, or under the Provisions of this Act, the Assessor shall be bound to specify separately each Dwelling House, and to ascertain and enter the yearly Rent or Value of the same, and also to enter the Name and Designation of the Proprietor or reputed Proprietor thereof, and, where there are Tenants or Occupiers, the Names and Designations of all such Tenants and Occupiers.

Valuation Rolls in Counties to contain certain additional Particulars.

16. In every future Valuation Roll to be made up in any County the Assessor, in addition to the Particulars which by the Acts last mentioned are required to be ascertained by him, shall also ascertain and enter in such Roll the Amount of Feu Duty, Ground Annual, Rent, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Lands or Heritages entered in such Roll as of the yearly Rent or Value of Five Pounds or upwards, and the Name of the Person to whom the said Consideration is payable; and in order to the Ascertainment of the Particulars herein-before specified, it shall be lawful for the Assessor to call upon any Proprietor or Tenant for Receipts or other written Evidence of the Amount of such Feu Duty, Ground Annual, or other Consideration, and such Proprietor or Tenant shall be bound to furnish and deliver such Evidence to the Assessor under the same Penalty in case of Failure or of false Statement as is provided in similar Cases by the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one; and it shall also be lawful for the Assessor to exercise all the Powers which, under the said Act, he may lawfully exercise for the Purposes thereof.

Provision for Claims by Persons improperly or erroneously exempted from Payment of Poor Rates.

17. Where the Name of any Person, otherwise entitled to the Franchise for any Burgh or County, has in any Year been omitted from the List of Voters prepared by the Assessor for such Burgh or County on the Ground that he has during the Twelve Calendar Months preceding the last Day of *July* in such Year been exempted from Payment of Poor Rates on account of Inability to pay, it shall be competent for such Person to give Notice to such Assessor of his Claim to have his Name entered in the Register of Voters for such Burgh or County in the Manner provided in the Registration Acts, and such Claim shall be published and may be objected to in the Manner provided in the said Acts; and the Sheriff shall dispose of the

the said Claim, and if it shall be proved to his Satisfaction that the Person claiming has been improperly or erroneously exempted from Payment of the said Poor Rates, and that he has on or before the First Day of *August* in the present or the Twentieth Day of *June* in any subsequent Year paid or tendered Payment of the Amount of Poor Rates, from Payment of which he was improperly or erroneously exempted as aforesaid, the Sheriff shall insert the Name of such Person in the Register of Voters for the Burgh or County, as the Case may be; and the Judgment of the Sheriff sustaining or refusing the Claim shall be liable to the Appeal provided in the said Registration Acts, and generally the Provisions of the said Acts shall apply to the Claims mentioned in this Section and to all the Proceedings following thereon.

Poor Rate to be demanded. Collector wilfully neglecting to do so punishable.

18. Where any Poor Rate due from an Occupier of Premises to which a Right of voting is for the First Time attached by this Act remains unpaid on the Fifteenth Day of *May* in any Year, the Collector of Poor Rates for the Parish in which such Premises are situated shall, on or before the Twenty-fifth Day of *July* in the present or the First Day of *June* in any subsequent Year, unless such Rate has previously been paid, or has been duly demanded by a Demand Note served in like Manner as the Notice in this Section referred to, give or cause to be given a Notice in the Form set forth in Schedule (C.) to this Act to every such Occupier. The Notice shall be deemed to have been duly given if delivered to the Occupier, or left at his last or usual Place of Abode, or with some Person on the Premises in respect of which the Rate is payable. Any Collector of Poor Rate who shall wilfully withhold such Notice with Intent to keep such Occupier off the List or Register of Voters for the Burgh or County, as the Case may be, shall be deemed guilty of a Crime and Offence.

Registration of Voters.

Registration of Voters.

19. The following Regulations shall be observed with respect to the Registration of Voters:

1. The Registration Acts shall apply to the Registration of all Persons on whom a Right to be registered and to vote is conferred for the First Time by this Act, in the same Manner, and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which they now apply to the Registration of Persons entitled at present to be registered and to vote; and the said Acts, and also the Valuation Acts, shall apply to all Burghs and Divisions of Counties on which the Right of returning or contributing to return a Member to serve in Parliament is by this Act conferred:

2. The

2. The Collector of Poor Rates in each Parish shall, on or before the Third Day of *August* in the present and First Day of *July* in any subsequent Year, deliver or send to the Assessor for the Burgh or County, as the Case may be, a List in the Form in the Schedule (D.) hereunto annexed, or as near thereto as Circumstances admit, and in the Order as nearly as may be in which the Names appear in the Valuation Roll of such Burgh or County, as the Case may be, duly certified by him, of all Occupiers of Premises who have been, during the Twelve Calendar Months preceding the last Day of *July* in each Year, exempted from Payment of Poor Rates on the Ground of Inability to pay, or who have failed to pay, on or before the First Day of *August* in the present or the Twentieth Day of *June* in any subsequent Year, all Poor Rates (if any) that have become payable by them up to the preceding Fifteenth Day of *May*, or who have been in the Receipt of Parochial Relief within the Twelve Calendar Months next preceding the last Day of *July* in such Year, and the Assessor shall be guided by the said Lists (which shall be *primâ facie* Evidence of the Correctness of the Entries therein contained) in ascertaining the Right of any Person to be inserted or retained in the Register of Voters:

3. The Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for any Burgh in respect of the Occupation of Lodgings shall be in the Form No. 1. in Schedule (I.), or to the like Effect, and shall have annexed thereto a Declaration in the Form, and be certified in the Manner, in the said Schedule mentioned, or as near thereto as Circumstances admit; and every such Claim shall, after the last Day of *July* and on or before the Twenty-first Day of *September* in any Year, be delivered to the Assessor of the Burgh in which such Lodgings shall be situate, and the Particulars of such Claim shall be duly published by such Assessor on or before the Twenty-fifth Day of *September* next ensuing in a separate List, according to the Form No. 2. in the said Schedule (I.):

4. The Provisions of the Registration Acts relating to the Manner of publishing Lists of Claimants in Burghs, and to the Delivery of Copies thereof to Persons requiring the same, shall apply to every such Claim and List; and the Provisions of the same Acts with respect to the Proof of the Claims of Persons omitted from the List of Voters in Burghs, and to Objections thereto, and to the Hearing thereof, shall, so far as

as the same are applicable, apply to Claims and Objections, and to the Hearing thereof under this Section:

5. Wherever any List or Copy of a List other than a Register for which Payment is required and authorized by the Act Nineteenth and Twentieth *Victoria*, Chapter Fifty-eight, shall contain any Number of Persons Names exceeding Five thousand, the Rate to be demanded and paid therefor shall be Five Shillings, and for any such List or Copy of such List containing any Number of Persons Names exceeding Ten thousand the Rate to be demanded and paid therefor shall be Ten Shillings.

Alteration of Dates respecting Registration in Burghs.

20. Whereas in consequence of the Increase of the Number of Voters in Burghs provided for by this Act it is necessary to alter certain of the Dates in the Preparation of the Register of Voters in said Burghs as provided for by the Act 19 & 20 *Vict.* c. 58: Be it enacted as follows:

The Second Section of the said recited Act shall be read as if the Words "Fifteenth Day of *September*" were substituted for the Words "Fifteenth Day of *August*," and the Words "from the Sixteenth to the Twenty-first Days of *September*" were substituted for the Words "from the Sixteenth to the Twenty-fifth Days of *August*" therein:

The Third Section of the said recited Act shall be read as if the Words "Twenty-first Day of *September*" were substituted for the Words "Twenty-fifth Day of *August*" therein:

The Fourth Section of the said recited Act shall be read as if the Words "Twenty-first Day of *September*" were substituted for the Words "Twenty-fifth Day of *August*" therein:

The Fifth Section of the said recited Act shall be read as if the Words "Twenty-fifth Day of *September*" were substituted for the Words "First Day of *September*," and the Words "between the Twenty-fifth Day of *September* and the First Day of *October*" were substituted for the Words "during the first Fourteen Days of *September*" therein:

The Sixth Section of the said recited Act shall be read as if the Words "Twenty-fifth of *September*" were substituted for the Words "First of *September*" therein:

The Sixteenth Section of the said recited Act shall be read as if the Words "Fifteenth of *September*" were substituted for the Words "Sixteenth Day of *August*" therein:

The Eighteenth Section of the said recited Act shall be read as if the Words "Twenty-fifth Day of *September*" were substituted for the Words "First Day of *September*" therein:

The Nineteenth Section of the said recited Act shall be read as if the Words "Twenty-fifth Day of *September*" were substituted

stituted for the Words "First Day of *September*," and the Words "the Sixteenth Day of *October*" were substituted for the Words "the First Day of *October*" therein:

The Twenty-fifth Section of the said recited Act shall be read as if the Words "Fifteenth Day of *October*" were substituted for the Words "Thirtieth Day of *September*" therein:

The Twenty-sixth Section of the said recited Act shall be read as if the Words "Sixteenth Day of *October*" were substituted for the Words "First Day of *October*" therein:

The Twenty-ninth Section of the said recited Act shall be read as if the Words "Fifteenth Day of *October*" were substituted for the Words "Thirtieth Day of *September*;" and the Provision in the said Section requiring the Town Clerk forthwith, after the Twenty-first Day of *October* in each Year, to make all such Corrections and Alterations on the Book therein mentioned as may be necessary to give Effect to all Decisions of the Court of Appeal, is hereby repealed.

Alteration of Dates respecting Registration in Counties.

21. Whereas in consequence of the Increase of the Number of Voters in Counties provided for by this Act it is necessary to alter certain of the Dates in the Preparation of the Register of Voters in Counties, as provided for by the Act of the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter Eighty-three: Be it enacted as follows:

The Eighth Section of the said recited Act shall be read as if the Words "Twenty-fifth Day of *August*" were substituted for the Words "Fifteenth Day of *August*," and the Words "from the Twenty-sixth Day of *August* to the Fourth Day of *September*" were substituted for the Words "from the Sixteenth to the Twenty-fifth Days of *August*" therein:

The Ninth Section of the said recited Act shall be read as if the Words "Fourth Day of *September*" were substituted for the Words "Twenty-fifth Day of *August*" therein:

The Tenth Section of the said recited Act shall be read as if the Words "Eleventh Day of *September*" were substituted for the Words "First Day of *September*," and the Words "from the Twelfth to the Twenty-fourth Days of *September*" were substituted for the Words "from the Second to the Fourteenth Days of *September*" therein:

The Eleventh Section of the said recited Act shall be read as if the Words "Eleventh Day of *September*" were substituted for the Words "First Day of *September*" therein:

The Twentieth Section of the said recited Act shall be read as if the Words "Twenty-sixth Day of *August* and the Thirtieth Day of *October*" were substituted for the Words "Sixteenth Day of *August* and the Twenty-first Day of *October*" therein:

The

The Twenty-first Section of the said recited Act shall be read as if the Words "Fourth Day of *September*" were substituted for the Words "Twenty-fifth Day of *August*" therein:

The Twenty-second Section of the said recited Act shall be read as if the Words "Eleventh Day of *September*" were substituted for the Words "First Day of *September*," and the Words "Fourth Day of *September*" were substituted for the Words "Twenty-fifth Day of *August*" therein:

The Twenty-third Section of the said recited Act shall be read as if the Words "Eleventh Day of *September* and the Eleventh Day of *October*" were substituted for the Words "First Day of *September* and the Fifth Day of *October*" therein:

The Twenty-fourth Section of the said recited Act shall be read as if the Words "Eleventh Day of *September*" were substituted for the Words "First Day of *September*" therein:

The Twenty-ninth Section of the said recited Act shall be read as if the Words "Eleventh Day of *October*" were substituted for the Words "Fifth Day of *October*" therein:

The Thirtieth Section of the said recited Act shall be read as if the Words "Eleventh Day of *October*" were substituted for the Words "Fifth Day of *October*" therein.

Appeals from Decisions of Sheriff in Registration Court.

22. All Enactments at present in force regarding Appeals from the Judgments of Sheriffs in Registration Courts for Counties and Burghs are hereby repealed, and in lieu thereof it is enacted as follows:

If any Person whose Name shall have been struck out of any Register or List of Voters by the Sheriff, or who shall claim or object before the Sheriff at any Court, shall consider the Decision of the Sheriff on his Case to be erroneous in point of Law, he may, either himself or by some Person on his Behalf, in open Court, require the Sheriff to state the Facts of the Case, and such Question of Law, and his Decision thereon, in a Special Case; and the Sheriff shall prepare and sign and date such Special Case, and deliver the same in open Court to the Sheriff Clerk or Town Clerk, as the Case may be; and such Person, or some Person on his Behalf, may thereupon in open Court declare his Intention to appeal against the said Decision, and may, within Ten Days of the Date of such Special Case, lay a certified Copy thereof before the Court of Appeal herein-after constituted, for their Decision thereon; and the said Court shall with all convenient Speed hear Parties and give their Decision on such Special Case, and shall specify exactly every Alteration or Correction, if any, to be made upon the Register in pursuance of such Decision; and the Register shall be as soon as may be after the Thirty-first Day

Day of *October* in each Year altered accordingly by or at the Sight of the Sheriff; and if it shall appear to the Sheriff that his Judgments respecting the Qualifications of any Two or more Persons depend on the same Question of Law, he shall append to such Special Case the Names of all such Persons who have appealed against his Judgment on their respective Claims; and the Decision of the said Court on such Special Case shall extend and apply to the Qualifications of all such Persons, in like Manner as if a separate Appeal had been taken in the Case of each of them; and the said Court shall have Power to award the Costs of any Appeal; and the Decision of the said Court shall be final, and not subject to Review by any Court, or in any Manner whatsoever: Provided always, that if the said Court shall be of opinion that the Statement of the Matter of the Appeal in any Special Case is not sufficient to enable them to give Judgment in Law, it shall be lawful for the said Court to remit the said Special Case to the Sheriff by whom it shall have been signed, in order that the same may be more fully stated.

Constitution of Court of Appeal.

23. The Court for hearing Appeals under the preceding Section of this Act shall consist of Three Judges of the Court of Session, to be named from Time to Time by Act of Sederunt of the said Court, One Judge to be named from each Division of the Inner House, and One from the Lords Ordinary in the Outer House; and it shall be competent from Time to Time by Act of Sederunt to supply any Vacancy which may occur in such Court, and to regulate the Sittings and Forms of Process therein so as to carry out the Provisions of this Act, and such Acts of Sederunt may be made, and such Court may sit, either during the Sitting of the Court of Session, or in Vacation or Recess; and the Junior Principal Clerk of Session shall be the Clerk of such Court.

Places for Election and Polling Places.

Places for Election and Returning Officers for new Constituencies.

24. The Writ for the Election of the Member for the District of Burghs enumerated in Schedule (A.) to this Act annexed shall be addressed to the Sheriff mentioned in the Fifth Column of the said Schedule, and, until otherwise directed by Parliament, shall be proclaimed at the Place named for that Purpose in the Third Column thereof; and the Writ for the Election of the Member for the Counties of *Peebles* and *Selkirk* shall be addressed to the Sheriff of the County of *Peebles*, and until otherwise directed by Parliament shall be proclaimed at the Burgh of *Peebles*; and in the Case of a Poll being demanded at any Election for said Counties the Sheriff of the County of *Peebles* shall forthwith send a written

Notice

Notice to the Sheriff of the County of *Selkirk* that a Poll has been demanded, and also of the Day on which it is to be taken; and the Sheriffs of the said Counties of *Peebles* and *Selkirk* respectively shall appoint such a Number of Substitutes and Clerks as may be necessary at each of the Polling Places within their respective Counties; and all the Poll Books shall at the final Close thereof be sealed up and delivered or transmitted by the Sheriff Substitutes in charge of the Polls to the said Sheriff of the County of *Peebles;* and the Writs for the Election of Members for the Divisions of Counties enumerated in Schedule (B.) to this Act annexed shall be addressed to the Sheriffs of such Counties, and, until otherwise directed by Parliament, shall be proclaimed at the Places named for that Purpose in the Fourth Column of the said Schedule.

Payments for conveying Voters in Burghs to the Poll illegal.

25. It shall not be lawful for any Candidate, or any one on his Behalf, at any Election for any Burgh to pay any Money on account of the Conveyance of any Voter to the Poll, either to the Voter himself or to any other Person; and if any such Candidate, or any Person on his Behalf, shall pay any Money on account of the Conveyance of any Voter to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of the "Corrupt Practices Prevention Act, 1854."

Rooms to be hired for polling wherever they can be obtained.

26. At every contested Election for any County or Burgh, unless some Building or Place belonging to the County or Burgh is provided for that Purpose, the Sheriff Clerk in any County, and in any City or Burgh the Town Clerk, shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll at the Places appointed for such County or Burgh.

Where in any Place there is any Room, the Expense of maintaining which is payable out of any Rates levied in such Place, or which is under the Control of the Town Council or other Local Authority, such Room may, with the Consent of those having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Where the Town Clerk incurs any Expenses in erecting Booths or hiring Rooms for taking any Poll under this Act, he shall have the same Right and Means of recovering the same from the Candidates which the Sheriff Clerk has by the present Law and Practice.

Elections in Universities.

Franchise for Universities.

27. The Chancellor, the Members of the University Court, and the Professors for the Time being of each of the Universities of *Scotland*,

Scotland, and also every Person whose Name is for the Time being on the Register, made up in Terms of the Provisions herein-after set forth, of the General Council of such University, shall, if of full Age, and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for such University in Terms of this Act.

Qualifications for Members of General Councils.

28. Under the Conditions as to Registration herein-after mentioned, the following Persons shall be Members of General Council of the respective Universities, *viz.* :

1. All Persons qualified under the Sixth or Seventh Section of the Act Twenty-first and Twenty-second *Victoria*, Chapter Eighty-three:

2. All Persons on whom the University to which such General Council belongs has after Examination conferred the Degree of Doctor of Medicine, or Doctor of Science, or Bachelor of Divinity, or Bachelor of Laws, or Bachelor of Medicine, or Bachelor of Science, or any other Degree that may hereafter be instituted:

3. And whereas it was provided by the said Sixth Section of the last-mentioned Act that in each University the General Council should consist of, *inter alios*, "all Persons who within Three "Years from and after the passing of this Act shall establish, "to the Satisfaction of the Commissioners herein-after "appointed, that they have as Matriculated Students given "regular Attendance on the Course of Study in the Uni-"versity for Four complete Sessions, or such regular Atten-"dance for Three complete Sessions in the University, and "regular Attendance for One such complete Session in any "other *Scottish* University, the Attendance for at least Two "of such Sessions having been on the Course of Study in "the Faculty of Arts;" and whereas from various Causes many Persons omitted to establish their Qualifications in Terms of the Provision just mentioned before the Expiry of the Time mentioned therein, and it is expedient to afford such Persons the Opportunity of becoming Members of the General Councils of their respective Universities: Be it enacted as follows: Every Person who may have omitted to establish his Qualification in Terms of the recited Provision of the Sixth Section of the Act last mentioned, but who would have been entitled to have become a Member of the General Council of the University in Terms of the said Provision if his Qualification had been established within the said

said Period, and he had applied for Registration in Terms of said Act, shall be a Member of the General Council of the University, provided that such Person shall establish his Qualification in Terms of the recited Provision to the Satisfaction of the Registrar and Assistant Registrars herein-after mentioned, and shall farther comply with the Conditions as to Registration herein-after mentioned:

Provided always, that no Graduate of any University shall be disqualified from being a Member of the General Council of such University by reason of his being enrolled as a Student in any Class of the University: Provided also, that the Conditions as to Registration herein-before mentioned shall not apply to the Chancellor, the Members of the University Court, or the Professors for the Time being of each University, who shall be Members of the General Council of their respective Universities, and entitled to vote as such, although their Names are not inserted on the Register herein-before mentioned.

Registration Book to be kept.

29. The Registrar of each University shall keep a Registration Book, which shall be in the Form of Schedule (E.) to this Act annexed, and in which, under the Conditions herein-after mentioned, shall be entered the Names, Designations, Qualifications, and ordinary Places of Residence of Persons qualified to be Members of General Council, and from which the Registers of General Council herein-after directed to be made up shall from Time to Time be prepared.

Registrar to enter Names therein.

30. Within Two Months after the passing of this Act the Registrar shall transfer to the Registration Book from the presently existing Register the Names of all Persons who before the passing of this Act, and in virtue of the Provisions of any Ordinance of the Commissioners under the Act Twenty-first and Twenty-second *Victoria*, Chapter Eighty-three, have paid a Composition in lieu of annual Fees, and have been enrolled in such presently existing Register in virtue of such Payment; and he shall in like Manner from Time to Time after the passing of this Act, on Payment to the General University Fund of a Registration Fee of Twenty Shillings, enter in the Registration Book the Name of every qualified Person applying for Registration, but who has not compounded under the Provisions of any such Ordinance as aforesaid: Provided always, that an Abatement shall be made from such Fee equal to the Sum that may already have been paid by the Applicant in Name of Entrance Money or annual Fees: Provided also, that after the passing of this Act no Person qualified to be a Member of General Council shall be required to pay any annual Fee as the Condition of having

having his Name retained in the Registration Book, or inserted in the Register to be from Time to Time made up from it, as hereinafter enacted.

Preparation of First Register under this Act.

31. On the First Day of *October* One thousand eight hundred and sixty-eight the Registrar shall proceed to make up from the Registration Book an alphabetical Register of Members of General Council, which Register shall be in the Form of Schedule (F.) to this Act annexed, and shall be completed within Fifteen Days; but no Names shall be included therein which have not been entered in the Registration Book before the said First Day of *October;* and the said Register, having been completed by the Registrar as aforesaid, shall forthwith be revised and so far as necessary corrected by him, with the Assistance of Two Members of the General Council acting as Assistant Registrars, and who shall have been nominated and appointed for that Purpose by the University Court at a Meeting to be held of such Court on or before the said First Day of *October;* and the Revision or Correction shall be completed and a Copy of the Register, with the Names numbered from One onwards in regular Order, shall be signed by the Registrar and Assistant Registrars on or before the Twenty-first Day of *October* following; and the Copy so signed shall thereafter be submitted by the Registrar to the Vice-Chancellor, and shall be authenticated by his Signature on every Page thereof, on or before the Twenty-fifth Day of *October* next ensuing; and the Register so authenticated shall, so far as it remains unaltered by the University Court as herein-after provided, be conclusive of the Right of Persons to be Members of the General Council from the Twenty-sixth Day of *October* One thousand eight hundred and sixty-eight to the Thirty-first Day of *December* One thousand eight hundred and sixty-nine, both Days inclusive: Provided always, that at any Meeting of or Election by the General Council of any University appointed to take place on or before the said Twenty-sixth Day of *October* One thousand eight hundred and sixty-eight the Registration Book for such University, as it stood on the Thirtieth Day of *September* immediately preceding, shall be conclusive Evidence of the Right of all Persons whose Names shall be entered therein to be Members of such General Council until the Fifth Day of *November* following.

Revision by Registrar and Assistant Registrars.

Authentication by the Vice-Chancellor.

Register to be conclusive.

Appeal against undue Insertion of Names.

32. The Registration Book and also the Register, authenticated as aforesaid, shall at all reasonable Times be open to Inspection, in the Office of the Registrar, by any Person applying for Inspection of the same, and Copies thereof may be made on Payment of a Fee of One Shilling for every One hundred Names, or fractional Part thereof, copied; and if any Member of the General Council shall consider

consider himself aggrieved by the Insertion in the said Register of the Name of any Person whom he considers not duly qualified, it shall be competent to him, within Ten Days after the Day on or before which the Register is hereby required to be authenticated, to appeal and apply to the University Court to expunge the Name complained of; and Notice of such Appeal shall immediately be given by the Secretary of the Court to the Person against the Insertion of whose Name the Appeal is taken, with an Intimation of the Day on which the Appeal will be heard, and which shall be not sooner than Twenty nor later than Thirty Days after the last Day allowed for the Authentication of the Register; and it shall be in the Power of such Person to appear for his Interest either personally or by Substitute; and whether he appear or not, it shall be the Duty of the Registrar to attend and explain the Reasons for the Insertion of the Name complained of; and the Judgment of the Court sustaining or dismissing the Appeal shall be final, and not subject to any Process of Review, and the Register shall, if necessary, be altered by or at the Sight of the President of the said Court in conformity with such Judgment.

Appeal against Omissions.

33. If any Person whose Name is not inserted in the Register so authenticated as aforesaid shall consider himself aggrieved by its Omission, it shall be competent to him, within the said Period of Ten Days after the Day on or before which the Register is hereby required to be authenticated, to appeal and apply to the University Court to have it so inserted; and the Court shall meet to consider such Appeal not later than Thirty Days after the last Day allowed for the Authentication of the Register, and after hearing the Appellant for his Interest, either personally or by Substitute, and the Registrar in explanation of the Reasons for the Omission of the Appellant's Name, shall give Judgment in the Appeal; and such Judgment shall be final, and not subject to any Process of Review, and the Register shall, if necessary, be altered by or at the Sight of the President of the said Court in conformity with such Judgment.

Quorum of University Court for Purposes of Act.

34. For the Purpose of performing any Duty required by this Act, the Presence of a Quorum of Three shall be sufficient to constitute a Meeting of the University Court.

New Registers to be made up annually.

35. On the First Day of *December* One thousand eight hundred and sixty-nine, and on the First, or when the First is on a *Sunday* on the Second Day of *December* in each succeeding Year, the Registrar shall proceed to prepare, in the Form of Schedule (F.) to this Act annexed, a new alphabetical Register for the Year to commence on the

the First Day of *January* next ensuing, which new Register he shall make up by transferring to it from that in force at the Time the Names, Designations, and Addresses (with such Corrections as he may consider necessary) of all Members not known to be dead, and by transferring to it from the Registration Book the Names, Designations, Qualifications, and ordinary Places of Residence of all Persons who shall have paid the Registration Fee since the Day of commencing to make up the Register of the preceding Year, and who are not known to have died since making Payment; and such new Register shall be completed within Fifteen Days, and shall thereafter be revised by the Registrar with the Assistance of Two Assistant Registrars appointed by the University Court, and shall then be authenticated by the Vice-Chancellor on or before the Thirty-first Day of *December* of the same Year, and such Revision and Authentication shall be carried out in the same Way as is provided in regard to the First Register directed to be made up under this Act; and the new Register shall have the same Effect for the Year to which it applies as it is herein-before provided that the said First Register shall have for the Period between the Twenty-sixth Day of *October* One thousand eight hundred and sixty-eight and the Thirty-first Day of *December* One thousand eight hundred and sixty-nine, and shall be subject in the same Way as the said First Register to Alteration by the University Court on Appeal taken either against undue Insertion or against undue Omission of Names.

Allowance to Registrar and Assistant Registrars.

36. The Registrar of each University shall be entitled to receive out of the General University Fund a Payment of One Guinea and a Half for every One hundred Names, or fractional Part thereof, that shall be entered in the First Register prepared under this Act, and of One Guinea for every Hundred Names, or fractional Part thereof, that shall be entered in the subsequent Registers, and to a Payment of Half a Guinea for every Hour, or fractional Part thereof, during which he shall be in attendance on the University Court while considering and disposing of Appeals under this Act, as the same shall be certified by the President or Secretary of the Court; and each Assistant Registrar nominated and appointed by the University Court under this Act, and officiating in Terms thereof, shall be entitled to receive from the same Fund a Payment of One Guinea for every One hundred Names, or fractional Part thereof, that shall be entered in the First Register prepared under this Act, and of Half a Guinea for every Hundred Names, or fractional Part thereof, entered in the subsequent Registers.

Returning Officers and Intimation of Election.

37. The Vice-Chancellor of the University of *Edinburgh* shall be the Returning Officer for the said University and the University of

of *Saint Andrews;* and the Vice-Chancellor of the University of *Glasgow* shall be the Returning Officer for the said University and the University of *Aberdeen;* and the Writs for any Election of a Member to serve in Parliament for such Universities shall be directed to such Returning Officers respectively; and the Vice-Chancellor to whom a Writ for any such Election shall be directed shall endorse on the Back thereof the Day on which he received it, and shall, within Three Days thereafter, announce a Day and Hour (which Day shall not be less than Three or more than Six clear Days after that on which the Writ was received), and a Place within the City of *Edinburgh*, for an Election for the Universities of *Edinburgh* and *Saint Andrews*, or within the City of *Glasgow* for an Election for the Universities of *Glasgow* and *Aberdeen*, as the Case may be, and shall give Intimation thereof by Advertisement in such Newspapers as he shall deem expedient, and shall also, within the said first-mentioned Three Days, give Intimation thereof in Writing to the Vice-Chancellor of the University of *Saint Andrews* or of *Aberdeen*, as the Case may be.

Proclamation of Writs for Universities.

38. On the Day announced as aforesaid by the Vice-Chancellor for the Election such Vice-Chancellor shall repair to the Place named by him, to which Place all Persons entitled to vote in such Election shall in the aforesaid Advertisement be invited to repair on the Day and at the Hour named; and the said Vice-Chancellor shall then and there proclaim the Writ by reading it; and if no more than One Candidate shall be proposed for the Choice of the Electors, he shall, upon a Show of Hands, forthwith declare the Person so put in Nomination to be duly elected; it being always competent for any Person entitled to vote in such Election under this Act to repair to the Place where the Writ is proclaimed, and to put any Person in Nomination; and if more than One Candidate shall be proposed, and a Poll shall be demanded, the Proceedings shall be adjourned for the Purpose of taking the Poll for not less than Six or more than Ten clear Days, exclusive of *Saturdays* and *Sundays;* and the Vice-Chancellor shall forthwith give public Intimation of such Adjournment, and of the Names of the Candidates who have been proposed, by Advertisement in such Newspapers as he shall deem expedient, and shall also give Intimation thereof in Writing to the Vice-Chancellor of the University of *Saint Andrews* or of *Aberdeen*, as the Case may be.

Polling at University Elections.

39. The following Regulations shall be observed with respect to the Polling:—

1. On the Day to which the Proceedings have been adjourned as aforesaid for the Purpose of taking the Poll the Polling shall

shall commence at each University at Eight o'Clock in the Morning, and may continue for not more than Five Days (exclusive of *Sundays*), but no Poll shall be kept open later than Four o'Clock in the Afternoon.

2. The Vice-Chancellor of each University shall appoint the Polling Place at such University, and, if he shall think fit, shall advertise the same, and also shall have Power to appoint One or more Pro-Vice-Chancellors to take the Poll at such University, and record the Votes in Poll Books, and decide all Questions with regard thereto, in the same Manner as nearly as may be, and except as herein provided, as Polls are now taken at Elections for Members to serve in Parliament for Burghs and Counties in *Scotland;* and such Vice-Chancellor shall have Power to appoint a Poll Clerk or Poll Clerks for the Purpose of assisting the Pro-Vice-Chancellor or Pro-Vice-Chancellors in taking the Poll as herein-before mentioned.

3. The Poll Books in which the Votes have been recorded as herein-before provided shall be forthwith delivered by the Pro-Vice-Chancellor to the Vice-Chancellor by whom he was appointed; and the Vice-Chancellors of the Universities of *Saint Andrews* and *Aberdeen* respectively shall, on receiving such Poll Books, immediately transmit them to the Vice-Chancellor, who is the Returning Officer for such University; and such Vice-Chancellor shall, within Three Days after such Poll Books have been received by him, in Presence of the Candidates or their Agents, or of such of them as shall think proper to attend or to appoint such Agent, cast up the Number of Votes as they appear on the several Books, and shall forthwith publish in the *Edinburgh Gazette* a Notice containing the Name of the Candidate for whom the largest Number of Votes has been given, and declaring such Candidate to be duly elected, and shall make a Return in the Form of similar Returns presently used (as nearly as may be) in Terms of the Writ, under his Hand and Seal, to the Clerk of the Crown in *England*, and if the Votes be equal he shall make a double Return.

4. All the Provisions of an Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, intituled *An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers*, except so much of the said Act as requires that the Person delivering the Voting Paper shall make Attestation of his personal Acquaintance with the Voter, shall apply to every Election of a Member for the Universities of *Edinburgh* and *Saint*

Saint Andrews, and for the Universities of *Glasgow* and *Aberdeen*, subject to the following Provisions:

The Words "recorded in the Manner heretofore used," in the Second Section of the recited Act, shall in this Act mean "recorded in the Manner herein-before directed."

The Word "Misdemeanor," in the Fifth Section of the recited Act, shall include Crime and Offence.

A Voting Paper may be signed by a Voter being in one of the Channel Islands in the Presence of the following Officers; that is to say,

1. In *Jersey* and *Guernsey*, of the Bailiffs, or any Lieutenant Bailiff, Jurat, or Juge d'Instruction:
2. In *Alderney*, of the Judge of *Alderney*, or any Jurat:
3. In *Sark*, of the Seneschal or Deputy Seneschal:

And for the Purpose of certifying and attesting the Signature of such Voting Paper, each of the said Officers shall have all the Powers of a Justice of the Peace under the recited Act; and a Statement of the official Quality of such Officer shall be a sufficient Statement of Quality in pursuance of the Provisions of the said Act.

In lieu of the Schedule annexed to the recited Act, the Schedule (G.) to this Act annexed shall be substituted in Elections for the Universities of *Edinburgh* and *Saint Andrews*, and for the Universities of *Glasgow* and *Aberdeen*.

University Election Expenses.

40. Every Vice-Chancellor to whom a Writ for the Election of a Member to serve in Parliament shall, under the Provisions of this Act, be directed, shall be allowed in Exchequer such Payments for executing such Writ as are allowed to Sheriffs under the existing Law in the Case of Elections for Counties or Burghs; and in all Cases where a Poll has been demanded the Candidates shall be bound to pay and contribute among them to each Pro-Vice-Chancellor appointed under this Act, for superintending the Poll, a Fee of Three Guineas for the First, and of One Guinea for each subsequent Day in which he shall have been so engaged; and the Candidates shall further be bound to pay and contribute among them to each Poll Clerk One Guinea *per* Day, and the Candidates shall in like Manner be bound to defray the necessary Expenses incurred by the Vice-Chancellors in the Transmission or Receipt of Poll Books or other Communications or in making any Advertisements required or enjoined by this Act; and if any Person shall be proposed as a Candidate without his Consent, the Person so proposing

posing him shall be liable to pay his Share of all such Expenses in like Manner as if he had been himself a Candidate.

Provision for Incapacity of Vice-Chancellor or Registrar.

41. Where the Vice-Chancellor or Registrar of any University is absent, or is incapacitated by Illness for discharging any Duty required of him by this Act, or if the Office of Vice-Chancellor or of Registrar shall be vacant, the Duties herein imposed on the Vice-Chancellor or Registrar respectively shall be discharged by a Person appointed for that Purpose by the University Court of such University; and such Person shall in that respect, but in no other, act for the Time as and be deemed to be Vice-Chancellor or Registrar of such University.

Miscellaneous.

Registration where Counties are divided.

42. Where any County has been divided for the Purposes of this Act, the Commissioners of Supply of such County are hereby empowered to appoint the same Assessor to make up the Register of Voters in both Divisions of such County, or, if they shall think proper, to appoint separate Assessors to make up the said Register for each such Division; but, until they shall otherwise determine, the Assessor appointed for the Purpose of making up the Register for the undivided County shall continue to act as Assessor for both the Divisions of such County, and shall, as herein-before provided, make up a separate Register for each of such Divisions: Provided always, that such Assessors shall in all respects be deemed to be Assessors appointed in Terms of the Act Twenty-fourth and Twenty-fifth *Victoria*, Chapter Eighty-three: Provided also, that the Expenses of Registration shall be defrayed as at present by an Assessment levied on the whole Lands and Heritages within the County, and not by an Assessment levied separately on the Lands and Heritages within the Divisions thereof respectively.

Certain Boroughs in England to cease to return Members.

43. Whereas, in order to provide for the Seats herein-before distributed, it is expedient that certain Boroughs in *England* having small Populations should cease to return Members to serve in Parliament: Be it therefore enacted, That from and after the End of this present Parliament the Boroughs of *Arundel*, *Ashburton*, *Dartmouth*, *Honiton*, *Lyme Regis*, *Thetford*, and *Wells* shall respectively cease to return any Member to serve in Parliament.

Shortening of Period for proceeding to Elections in Burghs.

44. Whereas it is expedient to shorten the Period for proceeding to Election in Cities, Burghs, and Towns, or Districts of Cities, Burghs, and Towns, in *Scotland*, provided by the Acts Fifth and Sixth *William* the Fourth, Chapter Seventy-eight, and Twenty-eight

eight and Twenty-nine *Victoria*, Chapter Ninety-two: Be it enacted, That, except in the Cases of the Districts comprehending *Kirkwall*, *Wick*, *Dornoch*, *Dingwall*, *Tain*, and *Cromarty*, the Day or Days to be announced by the Sheriff for the Election or Elections shall be not less than Three and not more than Six clear Days after the Day on which the Writ was received by such Sheriff.

Galashiels to be wholly in Selkirkshire.

45. In so far as regards the Registration of Voters, and generally for all Purposes connected with the Election of Members to serve in Parliament, the Burgh of *Galashiels* shall be dealt with as if it were locally situated wholly within the County of *Selkirk*.

In Burghs where there are no Magistrates, Police Commissioners to appoint Assessors.

46. In any Burgh on which the Right of contributing to return a Member to serve in Parliament is for the first Time conferred by this Act, and in which there are no Magistrates elected in Terms of the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, or the Act Third and Fourth *William* the Fourth, Chapter Seventy-seven, the Commissioners of Police acting in such Burgh under any General or Local Police Act shall appoint a suitable Person to be the Assessor in such Burgh, and as such to make up a Valuation Roll of Lands and Heritages therein in Terms of the Valuation Acts, and also to perform with reference to the Registration of Voters in such Burgh all Duties which by the Registration Acts can be imposed on Assessors; and all Appeals against Valuations made by such Assessor shall be heard and determined by such Commissioners as the Case may be, and the Determination of such Commissioners shall be dealt with in the same Manner as the Determinations of Magistrates in existing Royal or Parliamentary Burghs.

Where there is no Town Clerk, Police Commissioners or Sheriff to appoint a Person to act as such.

47. If in any such Burgh there is no Town Clerk, it shall be the Duty of the aforesaid Commissioners of Police, as soon as may be after the passing of this Act, to nominate and appoint a fit and proper Person to perform the Duties of Town Clerk in so far as regards the Registration of Voters, and the Election of Members to serve in Parliament; and on every Occasion of the Person so appointed ceasing to act, such Commissioners shall in like Manner, within the Period of Three Weeks thereafter, make a similar Appointment; and failing such Appointment being duly made by the said Commissioners, such Appointment shall be made by the Sheriff of the County; and every Person so nominated and appointed shall, so long as he continues to act, be subject to the same Disqualifications in regard to voting for or being elected a Member of Parliament, or acting as Agent for any Candidate, to which Town Clerks are now subject by Law; and

and every such Person shall be removable at the Pleasure of the said Commissioners or Sheriff respectively by whom he was appointed.

Expenses of Valuation, and Registration of Voters, and Remuneration of Person acting as Assessor and Town Clerk, to be assessed on the Burgh.

48. In every such Burgh on which the Right of contributing to return a Member to serve in Parliament is for the first Time conferred by this Act, an Account of the Costs and Expenses attending the Preparation of the Valuation Roll under the Valuation Acts, and also of the Costs and Expenses attending the annual Registration of Voters, shall be made up annually at the Sight of the Person or Persons by whom the Assessor for such Burgh was appointed; and such Person or Persons shall ascertain and fix the Amount of such Expenses, including therein the reasonable Remuneration of the Assessor, and of the Town Clerk, or of the Person appointed to perform the Duties of Town Clerk, where any such Appointment has been made; and the Amount of all such Expenses and Remuneration shall be assessed and levied on and recovered from the same Description of Persons and Property as the Police Rate within such Burgh; provided that no Person shall be liable to such Assessment who is not a Proprietor or Occupier of a Dwelling House or other Lands and Heritages within the Burgh.

Corrupt Payment of Rates to be punishable as Bribery.

49. Any Person, either directly or indirectly, corruptly paying any Rate on behalf of any Ratepayer for the Purpose of enabling him to be registered as a Voter, thereby to influence his Vote at any future Election, and any Candidate or other Person, either directly or indirectly, paying any Rate on behalf of any Voter for the Purpose of inducing him to vote or refrain from voting, shall be guilty of Bribery, and be punishable accordingly; and any Person on whose Behalf and with whose Privity any such Payment as in this Section mentioned is made shall also be guilty of Bribery, and punishable accordingly.

Receipt of Parochial Relief to disqualify for Counties as well as Burghs.

50. The Provision of the Eleventh Section of the Act of the Second and Third Years of King *William* the Fourth, Chapter Sixty-five, disqualifying Persons in receipt of Parochial Relief from being registered as Voters, or voting for a Burgh, shall apply to a County also; and the said Provision of the said Section shall be construed as if the Word "County" were inserted therein before the Word "City."

Members holding Offices of Profit from

51. Whereas it is expedient to amend the Law relating to Offices of Profit, the Acceptance of which from the Crown vacates the Seats of Members accepting the same, but does not render them incapable

incapable of being re-elected: Be it enacted, That where a Person has been returned as a Member to serve in Parliament since the Acceptance by him from the Crown of any Office described in Schedule (H.) to this Act annexed, the subsequent Acceptance by him from the Crown of any other Office or Offices described in such Schedule, in lieu of and in immediate Succession the one to the other, shall not vacate his Seat.

the Crown, as in Schedule (H.), not to vacate their Seats on Acceptance of another Office.

52. Where separate Registers of Voters have been directed to be made in any County divided by this Act, if a Vacancy take place in the Representation of the said County before the summoning of a future Parliament, and after the Completion of such separate Registers, such last-mentioned Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the County.

Provision in case of separate Registers.

53. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County in which the Burghs constituted by this Act are situate to vote in any Election for such County in respect of any Vacancy that may take place before the summoning of a future Parliament; but after such summoning no Person shall be entitled to be registered as a Voter or to vote in any Election for any County in respect of any Premises owned or occupied by him within any Burgh.

Temporary Provisions consequent on Formation of new Burghs.

In the Case of a County within the Limits of which is situate a Burgh constituted by this Act, the Sheriff in revising at any Time before the summoning of a future Parliament the List of Voters for such County shall write the Word "Burgh" opposite to the Name of each Voter whose Qualification in respect of the Premises described in the List would not, after the summoning of a future Parliament, entitle such Voter to vote for the County; and at any Election for such County taking place after the summoning of a future Parliament the Vote of every Person against whose Name the Word "Burgh" is written, if tendered in respect of such Qualification, shall be rejected by the Polling Sheriff.

54. The Forty-second Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Eighty-three, is hereby repealed, and in lieu thereof it is enacted as follows: At every future Election of a Member to serve in Parliament for any County or Division of a County, the Register of Voters, made up in Terms of the Registration Acts, shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed

Register to be conclusive Evidence of Qualification.

to their Names respectively in the Register in force at such Election; and such Persons shall not be required to take the Oath of Possession.

Right of voting not to be affected by Dependance of Appeal.

55. The Right of voting at any Election of a Member or Members to serve in Parliament for any County, Burgh, or University shall not be affected by any Appeal depending at the Time of issuing the Writ for such Election, and it shall be lawful for every Person whose Name has been entered on the Register of Voters to exercise the Right of voting at such Election as effectually, and every Vote tendered thereat shall be as good, as if no such Appeal were depending; and the subsequent Decision in any Appeal which shall be depending at the Time of issuing the Writ for any such Election shall not in any way whatever alter or affect the Poll taken at such Election, or the Return made thereat by the Returning Officers.

General Saving Clause.

56. The Franchises conferred by this Act shall be in addition to and not in substitution for any existing Franchises, but so that no Person shall be entitled to vote for the same Place in respect of more than One Qualification; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote, or otherwise relating to the Representation of the People in *Scotland*, and the Registration of Persons entitled to vote, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Person hereby authorized to vote, and shall also apply to any Constituency hereby authorized to return or contribute to return a Member or Members to Parliament, as if it had heretofore returned or contribute to return such Members to Parliament, and to the Franchises hereby conferred and to the Registers of Voters hereby required to be formed.

Writs, &c. to be made conformable to this Act.

57. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, or relating to the Registration of Voters, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Construction of Act.

58. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People in *Scotland*, and with the Registration and Valuation Acts.

59. The

Interpretation of Terms:

59. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

"Month:" "Month" shall mean Calendar Month:

"County:" "County" shall not include a County of a City, but shall mean any County or Division of a County, or any Combination of Counties, or of Counties and Portions of Counties, returning a Member to serve in Parliament:

"Burgh:" "Burgh" shall mean any City, Town, Burgh, or District of Cities, Towns, or Burghs, returning a Member or Members to serve in Parliament:

"Dwelling House:" "Dwelling House" shall include any Part of a House occupied as a separate Dwelling, and (in any Parish in which Poor Rates are levied) the Occupier of which is separately rated to the Relief of the Poor either in respect thereof or as an Inhabitant of such Parish:

"Premises:" "Premises" shall, in regard to Burghs, mean any Dwelling House; and in regard to Counties shall mean Lands and Heritages:

"The Registration Acts:" "The Registration Acts" shall mean the Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Fifty-eight, and the Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Eighty-three, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at, and Proceedings in, the Election of Members to serve in Parliament for *Scotland*:

"Proprietor" or "Owner:" "Proprietor" or "Owner" shall include any Person who shall hold under a Lease for a Period of not less than Fifty-seven Years, exclusive of Breaks:

"Valuation Acts:" "The Valuation Acts" shall mean the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Ninety-one, the Act of the Twentieth and Twenty-first Years of the said Reign, Chapter Fifty-eight, the Act of the Thirtieth and Thirty-first Years of the said Reign, Chapter Eighty, and any other Acts or Parts of Acts relating to the Valuation of Lands and Heritages in *Scotland*:

"Assessor:" "Assessor" shall mean an Assessor appointed under the Valuation Acts or any of them, or under the Registration Acts or any of them, or under this Act, as the Case may be:

"Oath of Possession." "Oath of Possession" shall mean and include the Words "that "I am still Proprietor (or Occupant) of the Property for which "I am so registered, and hold the same for my own Benefit, "and not in trust for or at the Pleasure of any other Person."

SCHEDULES.

SCHEDULE (A.)

Hawick District.

Name of Burgh.	County in which Burgh is situated.	Place for proclaiming Writ.	Temporary Contents or Boundaries.	Sheriff to whom the Writ is to be addressed.
Hawick -	Roxburgh	Hawick -	The Boundaries of Hawick, as defined in "The Hawick Municipal Police and Improvement Act, 1861."	Sheriff of Roxburghshire.
Galashiels	Selkirk -	Ditto -	The Limits of Galashiels, as fixed and defined under "The General Police and Improvement (Scotland) Act, 1862."	
Selkirk -	Ditto -	Ditto -	The Boundaries of the Royal Burgh of Selkirk.	

SCHEDULE (B.)

Divisions of Counties.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts temporarily comprised in such Division.	Column 4. Place for proclaiming Writ.
Aberdeenshire.	East Aberdeenshire.	Parishes of— Aberdour. Belhelvie. Bourtie. Crimond. Cruden. Daviot. Ellon. Fintray. Foveran. Fraserburgh. Fyvie. Keith-hall and Kinkell. King-Edward. Logie-Buchan.	Peterhead.

Representation of the People (Scotland).

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts temporarily comprised in such Division.	Column 4. Place for proclaiming Writ.
ABERDEENSHIRE—*cont.*	East Aberdeenshire—*cont.*	Parishes of— Longside. Lonmay. Methlic. Montquhitter. New Deer. New Machar. Old Deer. Old Meldrum. Peterhead. Pitsligo. Rathen. Slains. Strichen. Tarves. Turriff. Tyrie. Udny. Together with so much of the Parish of Old Machar as is situated to the North and East of the River Don, and the Parish of St. Fergus in Banffshire.	Peterhead.
	West Aberdeenshire.	Parishes of— Aboyne and Glentanner. Alford. Auchindoir and Kearn. Auchterless. Birse. Chapel-of-Garioch. Clatt. Cluny. Coull. Crathie and Braemar. Culsamond. Drumblade. Dyce. Echt. Forgue. Glenbucket. Glenmuick, Tullich, and Glengairn. Huntly.	Aberdeen.

Representation of the People (Scotland).

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts temporarily comprised in such Division.	Column 4. Place for proclaiming Writ.
ABERDEENSHIRE—*cont.*	West Aberdeenshire—*cont.*	Parishes of— Insch. Inverurie. Keig. Kemnay. Kildrummy. Kincardine O'Neil. Kinnellar. Kinnethmont. Kintore. Leochel-Cushnie. Leslie. Logie-Coldstone. Lumphanan. Midmar. Monymusk. Newhills. Oyne. Peter Culter. Premnay. Rayne. Rhynie. Skene. Strathdon. Tarland and Migvie. Tough. Towie. Tullynessle and Forbes. Together with so much of the Parish of Old Machar as is situated to the South and West of the River Don, and So much of the Parishes of Banchory-Devenick, Cabrach, Cairnie, Drumoak, and Glass as is situated within the County of Aberdeen, and the Parish of Gartly in the County of Banff.	Aberdeen.
AYRSHIRE -	North Ayrshire	District of Cunningham, consisting of the Parishes of— Ardrossan.	Kilmarnock.

Representation of the People (Scotland).

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts temporarily comprised in such Division.	Column 4. Place for proclaiming Writ.
AYRSHIRE—*continued.*	North Ayrshire—*continued.*	Parishes of— Dalry. Dreghorn. Fenwick. Irvine. Kilbirnie. Kilmarnock. Kilmaurs. Kilwinning. Largs. Loudoun. Stevenston. Stewartown. West Kilbride, and of Beith, and Dunlop, in so far as situated within the County of Ayr.	Kilmarnock.
	South Ayrshire	Districts of Kyle and Carrick, consisting of the Parishes of— Auchinleck. Ayr. Ballantrae. Barr. Colmonell. Coylton. Craigie. Dailly. Dalmellington. Dalrymple. Dundonald. Galston. Girvan. Kirkmichael. Kirkoswald. Mauchline. Maybole. Monkton and Prestwick. Muirkirk. New Cumnock. Newton-on-Ayr. Ochiltree. Old Cumnock.	Ayr.

Representation of the People (Scotland).

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts temporarily comprised in such Division.	Column 4. Place for proclaiming Writ.
AYRSHIRE—*continued.*	South Ayrshire—*continued.*	Parishes of— Riccarton. St. Quivox. Sorn. Stair. Straiton. Symington. Tarbolton.	Ayr.
LANARKSHIRE	North Lanarkshire.	Parishes of— Avondale. Barony. Blantyre. Bothwell. Cadder. Cambuslang. Carmunnock. City Parish of Glasgow. Dalziel. East Kilbride. Glassford. Hamilton. New Monkland. Old Monkland. Rutherglen, and so much of the Parishes of Govan and of Cathcart as is situated in Lanarkshire.	Hamilton.
	South Lanarkshire.	Parishes of— Biggar. Cambusnethan. Carluke. Carmichael. Carnwath. Carstairs. Covington and Thankerton. Crawford. Crawfordjohn. Dalserf. Dolphington. Douglas. Dunsyre. Lanark.	Lanark.

Column 1. Name of County to be divided.	Column 2. Division.	Column 3. Parts temporarily comprised in such Division.	Column 4. Place for proclaiming Writ.
LANARKSHIRE —*cont.*	South Lanarkshire—*cont.*	Parishes of— Lesmahagow. Libberton. Pitinain. Shotts. Stonehouse. Symington. Walston. Wandell and Lamington. Wiston and Roberton, and so much of the Parishes of Culter and Moffat as is situated within the County of Lanark.	Lanark.

SCHEDULE (C.)

To *A.B.*,
County [*or* Burgh] of

Take Notice, that you will not be entitled to have your Name inserted in the List of Voters for this County [*or* Burgh] now about to be made in respect of the Premises in your Occupation in [*Street or Place*], unless you pay on or before the Day of next all the Poor Rates which have become due from you in respect of such Premises (*or as the Case may be*) up to the Fifteenth Day of May last, amounting to £ ; and if you omit to make such Payment you will be incapable of being entered on the next Register of Voters for this County [*or* Burgh].

Dated the Day of 18 .

C.D., Collector of Poor Rate
for Parish of .

SCHEDULE (D.)

County [*or* Burgh] of
Parish of

I, Collector of Poor Rates for the Parish of do hereby certify that the following Persons in the said Parish have been exempted from Poor Rates therein during the Twelve Months preceding the Thirty-first Day of July on the Ground of Inability to pay; or have failed on or before the Day of to pay all Poor Rates (if any) that have become payable by them up to the preceding Fifteenth Day of May; or have been in the Receipt of Parochial Relief within the Twelve Calendar Months next preceding the said Thirty-first Day of July.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Place of Abode, with Number of House, Name of Street, &c. (if any).	State whether "Exempted," "Failed to pay," or "In Receipt of Relief."

Given under my Hand this Day of 18 .

SCHEDULE (E.)

Form of Registration Book of General Council.

Date.	Fee paid.	Name at full Length.	Designation (*i.e.*, Profession or Calling).	Residence and Post Town.	Qualification.
					Admitted by Commissioners; or M.D. of 1860; or M.A. of 1865; and so on.

SCHE-

SCHEDULE (F.)

UNIVERSITY OF .

Register of Members of the General Council for the [Fourteen Months] *or* Year commencing 1st .

Number.*	Name in full.	Designation.	Residence and Post Town.	Number in last Register.†	Number in Registration Book.‡

* The Numbers to be consecutive.

† Reference to Number of the Member in the Register of the preceding Year. This Reference will not occur in the First Register prepared under this Act.

‡ Reference to Number of Member in the Registration Book. This will be the only Reference in the First Register under the Act. In subsequent Years it will occur only when the Member's Name has not been in the previous Year's Register.

SCHEDULE (G.)

UNIVERSITY OF [*Name of University*].

Universities of [*Name the Universities*], Election 18 .

I, *A.B.*, [*the Christian and Surnames of the Elector in full, and his Degree or other Qualification to be here inserted,*] do hereby declare that I have signed no other Voting Paper at this Election, and I do hereby give my Vote at this Election for .

And I nominate

C.D.,
E.F.,
G.H.,

or One of them, to deliver this Voting Paper at the Poll.

Witness my Hand this Day of 18 .

(*Signed*) *A.B.*, of [*the Elector's Place of Residence to be here inserted*].

Signed in my Presence by the said *A.B.*, who is personally known to me, on the above-mentioned Day of 18 , the Name of , as the Candidate voted for, having been previously filled in.

(*Signed*) *J.N.*, of [*the Justice's or other Officer's Place of Residence to be here inserted*] a Justice of the Peace for (*or as the Case may be*).

SCHE-

SCHEDULE (H.)

Offices of Profit referred to in this Act.

Lord High Treasurer.
Commissioner for executing Offices of Treasurer of the Exchequer of Great Britain and Lord High Treasurer of Ireland.
President of the Privy Council.
Vice-President of the Committee of Council for Education.
Comptroller of Her Majesty's Household.
Treasurer of Her Majesty's Household.
Vice-Chamberlain of Her Majesty's Household.
Equerry or Groom in Waiting on Her Majesty.
Any Principal Secretary of State.
Chancellor and Under Treasurer of Her Majesty's Exchequer.
Paymaster General.
Postmaster General.
Lord High Admiral.
Commissioner for executing the Office of Lord High Admiral.
Commissioner of Her Majesty's Works and Public Buildings.
President of the Committee of Privy Council for Trade and Plantations.
Chief Secretary for Ireland.
Commissioner for administering the Laws for the Relief of the Poor in England.
Chancellor of the Duchy of Lancaster.
Judge Advocate General.
Attorney General for England.
Solicitor General for England.
Lord Advocate for Scotland.
Solicitor General for Scotland.
Attorney General for Ireland.
Solicitor General for Ireland.

SCHEDULE (I.)

FORM No. 1.

Claim of Lodger.

Burgh of

To the Assessor of the Burgh of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below.

Christian Name and Surname at full Length.	Profession, Trade, or calling.	Description of Lodgings.	Description of House or Houses in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Persons or Person to whom Rent paid.

I, the above-named hereby declare that I have been, during the Twelve Months immediately preceding the last Day of July in this Year, the Occupier as sole Tenant of the above-mentioned Lodgings, and that I have resided therein during the Twelve Months immediately preceding the said last Day of July; and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of .

Signature of Claimant _____

Witness to the Signature of the said _____

And I certify my Belief in the Accuracy of the above Claim

Name of Witness _____

Residence and Calling _____

This Claim must bear Date the First Day of August, or some Day subsequent thereto, and must be delivered to the Assessor after the last Day of July, and on or before the Twenty-first Day of September.

FORM No. 2.

List of Claimants in respect of Lodgings to be published by the Assessors.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City or Burgh of _____

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(*Signed*) *A.B.*, Assessor of

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

***

of the same Act which relate to or affect the Franchise conferred by the said Fifth Section, or the Registration of Voters upon whom it is conferred, and in which are the Words "Eight Pounds" in reference to the said Franchise, shall be read and construed as if the Words "more than Four Pounds" had been used and were substituted in the said Fifth and other Sections instead of and for the Words "Eight Pounds," so and in such Manner that, subject to all the Provisions of the said Act, the Occupation of Lands, Tenements, or Hereditaments rated at the net annual Value of more than Four Pounds shall be as effectual to qualify any Man to be registered as a Voter, and when registered to vote at any Election of Members to serve in Parliament for any City, Town, or Borough in *Ireland* to be held after the passing of this Act as the Occupation of Lands, Tenements, and Hereditaments rated at the net annual Value of Eight Pounds and upwards was before the passing of this Act; and in all Provisions relating to such Occupation, Registration, or voting, and in all Lists, Returns, Precepts, Notices, or other Forms made or issued in pursuance of the Provisions of the Registration Acts, the Words "more than Four Pounds" shall, when necessary, be substituted for the Words "Eight Pounds."

Lodger Franchise for Voters in Cities, Towns, and Boroughs.

4. Every Man shall be entitled to be registered as a Voter, and when registered to vote for a Member or Members to serve in Parliament for a City, Town, or Borough, who is qualified as follows; (that is to say,)

1. Is of full Age and not subject to any legal Incapacity; and
2. As a Lodger has occupied in such City, Town, or Borough, separately and as sole Tenant for the Twelve Months preceding the Twentieth Day of *July* in any Year, the same Lodgings, such Lodgings being Part of one and the same Dwelling House, and of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards; and
3. Has resided in such Lodgings during the Twelve Months immediately preceding the Twentieth Day of *July*, and has claimed to be registered as a Voter at the next ensuing Registration of Voters.

Registration of Persons occupying Lodgings.

5. The Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for any City, Town, or Borough in respect of the Occupation of Lodgings shall be in the Form numbered 1. in Schedule (D.) to this Act annexed, or to the like Effect, and shall have annexed thereto a Declaration in Form and be certified in manner in the said Schedule mentioned, or as near thereto as Circumstances admit, and every such Claim shall after the Twentieth Day of *July* and on or before the Fourth Day of *August* in any Year be delivered to the Town Clerk in the City,

City, Town, or Borough in which such Lodgings shall be situate, and the Particulars of such Claim shall be duly published by such Town Clerk on or before the Eleventh Day of *August* next ensuing, in a separate List, according to the Form numbered 2. in the said Schedule (D.); and all the Provisions of the Registration Acts with respect to the publishing of Lists of Claimants and to the Delivery of Copies thereof to Persons requiring the same by the said Town Clerk shall apply to every such Claim and List, and all the Provisions of the same Acts with respect to the Proof of Claims and to Objections thereto and to the hearing thereof shall, so far as the same are applicable, apply to Claims and Objections and to the hearing thereof under this Section.

As to Joint Occupation in Counties.

6. In a County where Premises are in the Joint Occupation of several Persons as Owners or Tenants, and the aggregate rateable Value of such Premises is such as would, if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such Joint Occupiers shall, if otherwise qualified, be entitled to be registered as a Voter, and when registered to vote at an Election for the County: Provided always, that not more than Two Persons, being such Joint Occupiers, shall be entitled to be registered in respect of such Premises, unless they shall have derived the same by Descent, Succession, Marriage, Marriage Settlement, or Devise, or unless they shall be *bonâ fide* engaged as Partners carrying on Trade or Business thereon.

Provisions as to Premises occupied in succession in Counties.

7. The Premises in respect of the Occupation of which any Person shall be entitled to be registered in any Year, and to vote in the Election for any County, shall not be required to be the same Premises, but may be different Premises occupied in immediate Succession by such Person during the Twelve Calendar Months next previous to the Twentieth Day of *July* in such Year, such Person having paid on or before the First Day of *July* in such Year all the Poor's Rates which shall, previously to the First Day of *January* in such Year, have become payable from him in respect of all such Premises so occupied by him in succession.

No Elector who has been employed for Reward within Six Months of an Election to be entitled to vote.

8. No Elector who, within Six Months before or during any Election for any County, City, Town, or Borough, shall have been retained, hired, or employed for all or any of the Purposes of the Election for Reward by or on behalf of any Candidate at such Election as Agent, Canvasser, Clerk, Messenger, or in any other like Employment, shall be entitled to vote at such Election, and if he shall so vote he shall be guilty of a Misdemeanor.

PART II.

Boundaries of Parliamentary Boroughs.

9. Where at the Time of the passing of this Act the Boundary of any Municipal Borough does not coincide with the Parliamentary Borough, all that Part of such Borough situate beyond the Limits of the Parliamentary Borough, but within the Municipal Limits, shall form Part of the Borough for all Purposes connected with the Election of a Member or Members to serve in Parliament for said Borough.

PART III.

Miscellaneous.

Rooms for taking Polls to be hired wherever they can be obtained.

10. At every contested Election for any County, City, Town, or Borough, unless some Building or Place belonging to the County, City, Town, or Borough is provided for that Purpose, the Returning Officer shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll:

Where in any Place there is any Room the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Members holding Offices of Profit from the Crown, as in Schedule (E.), not to vacate their Seats on Acceptance of another Office.

11. Whereas it is expedient to amend the Law relating to Offices of Profit, the Acceptance of which from the Crown vacates the Seats of Members accepting the same, but does not render them incapable of being re-elected: Be it enacted, That where a Person has been returned as a Member to serve in Parliament since the Acceptance by him from the Crown of any Office described in Schedule (E.) to this Act annexed, the subsequent Acceptance by him from the Crown of any other Office or Offices described in such Schedule, in lieu of and in immediate Succession the one to the other, shall not vacate his Seat.

Payment of Expenses of conveying Voters in Boroughs to the Poll illegal.

12. It shall not be lawful for any Candidate, or any One on his Behalf, at any Election for any City, Town, or Borough, except the several Boroughs of the County of the City of *Cork*, County of the Town of *Galway*, and County of the City of *Limerick*, to pay any Money on account of the Conveyance of any Voter to the Poll, either to the Voter himself or to any other Person; and if any such Candidate, or any Person on his Behalf, shall pay any Money on account of the Conveyance of any Voter to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of "The Corrupt Practices Prevention Act, 1854."

13. No

Returning Officer, &c. acting as Agent guilty of Misdemeanor.

13. No Returning Officer for any County, City, Town, or Borough, nor his Deputy, nor any Partner or Clerk of either of them, shall act as Agent for any Candidate in the Management or Conduct of his Election as a Member to serve in Parliament for such County, City, Town, or Borough; and if any Returning Officer, his Deputy, the Partner or Clerk of either of them, shall so act, he shall be guilty of a Misdemeanor.

Notice of Claim to vote in Cities, &c. to be signed by Claimant.

14. Every Notice of Claim to be registered as a Voter for any City, Town, or Borough in *Ireland* shall be signed by the Person making such Claim.

Sect. 72. of 1 & 2 Vict. c. 56. and Sect. 5. of 6 & 7 Vict. c. 92. repealed.

15. From and after the passing of this Act Section Seventy-two of the Act of the First and Second Years of the Reign of Her present Majesty, Chapter Fifty-six, and Section Five of the Act of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-two, shall be and the same are hereby respectively repealed.

General Saving.

16. The Franchises conferred by this Act shall be in addition to and not in substitution for any existing Franchises, but so that no Person shall be entitled to vote for the same Place in respect of more than One Qualification; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to vote, or otherwise relating to the Representation of the People in *Ireland*, and the Registration of Persons entitled to vote, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Person hereby authorized to vote, and to the Franchises hereby conferred.

Precepts, &c. to be made conformable to this Act.

17. All Precepts, Instruments, Proceedings, and Notices relating to the Registration of Voters shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

Construction of Act.

18. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People in *Ireland*, and with the Registration Acts.

Where Value of Premises in certain Boroughs is not more than Four

19. From and after the passing of this Act, Section One hundred and sixteen of the said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, and so far as regards Poor Rate in respect of Lands, Tenements, and Here-

Pounds, the Rate is to be made on the immediate Lessors.

ditaments of which the net annual Value shall be more than Four Pounds, the Sixty-third Section of the Act of the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Ninety-one, shall be and the same are hereby repealed; and whenever the net annual Value of the whole of the rateable Hereditaments in any Electoral Division situate wholly or in part in any of the Boroughs of *Dublin*, *Cork*, *Limerick*, *Belfast*, or *Waterford*, occupied by any Person or Persons having no greater Estate or Interest therein than a Tenancy from Year to Year, or holding under a Lease or Agreement, Leases or Agreements, made after the Twenty-fourth Day of *August* One thousand eight hundred and forty-three, shall not exceed Four Pounds, the Poor Rate in respect of such Property shall, after the passing of this Act, be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any such Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it shall be sufficient to describe him therein as the "immediate Lessor," with or without any Name or further Addition, and such Rate shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

In certain Boroughs Occupiers of Lands, &c. where Owners now rated shall be entitled to be registered.

20. In the Boroughs of *Dublin*, *Cork*, *Limerick*, *Belfast*, and *Waterford*, every Man who would be entitled to be registered at the next Registration of Parliamentary Voters, under the Provisions of this Act, in respect of the Occupation of Lands, Tenements, or Hereditaments (for which the Owner or immediate Lessor at the Time of the passing of this Act is liable to be rated to the Poor Rate instead of the Occupier), if he had been rated to the Poor Rate in respect of the said Premises and had duly paid the said Poor Rate, shall, notwithstanding that he has not been so rated or paid any Rate, be entitled to be registered at the next Registration of Parliamentary Voters.

Collector General of Rates to make Lists of Voters for the City of Dublin.

21. From and after the passing of this Act the Clerk of each Poor Law Union comprising any Part or Parts of the City of *Dublin* shall exclude from the List or Lists to be made by him, in pursuance of the Thirty-second Section of the said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, every Person who shall be rated as the Occupier of any Lands, Tenements, or Hereditaments situate within the Municipal District of *Dublin*, as defined by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, and the Collector General of

of Rates for the City of *Dublin* shall, on or before the Eighth Day of *July* in every Year, make out and transmit to the Town Clerk of the City of *Dublin* a List of every Man of full Age who shall be rated in the Books of the said Collector General of Rates for the said City in the then last Rate made under the Act of the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to provide for the Collection of Rates in the City of* Dublin, as the Occupier of any Lands, Tenements, or Hereditaments situated within the Municipal District of *Dublin*, as defined as aforesaid, of a net annual Value of more than Four Pounds, and of every Person who shall be rated in the said Books in the then last Rate made as aforesaid jointly with any other Person or Persons as the Occupiers of any Lands, Tenements, or Hereditaments situated within the said Municipal District of a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of more than Four Pounds; excluding nevertheless from such List every such Occupier and every such Joint Occupier who shall not on or before the First Day of *July* in such Year have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the First Day of *January* then last; and such Lists shall be in the Form and shall contain the Particulars mentioned on Form No. 6. in the Schedule B. annexed to the said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine; and such List shall be signed by the said Collector General, and shall be verified by him as true, according to the best of his Belief, by an Oath or Declaration to be made by him before some Justice of the Peace acting in and for the City of *Dublin*, and which Oath or Declaration any such Justice is hereby authorized and required to take.

Certain Provisions of 13 & 14 Vict. c. 69. to apply to Collector General of Rates.

22. The Provisions of the Sixty-sixth and Sixty-seventh Sections of the said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, shall apply to the said Collector General of Rates as fully as the same apply to the Clerk of any Union.

Remuneration of Collector General of Rates.

23. The Guardians of the Poor of each Union comprising any Parts of the City of *Dublin* shall, by an Order, make such annual Allowance out of the Rates to the said Collector General of Rates as a Compensation for the Duty by this Act imposed upon him as the said Guardians shall think proper; but no such Order shall be acted on, or any Payment made thereunder, until the same shall be approved of by the Poor Law Commissioners, and the Payments sanctioned by them.

24. For

Town Clerk.

24. For the Purposes of the Registration Acts and of this Act, in all Towns under the Towns Improvement (*Ireland*) Act, 1854, the Clerk of the Town Commissioners shall be the Town Clerk; and in all Towns under the Statute passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Eighty-two, the Clerk of the Paving, Lighting, and Cleansing Commissioners, and in Towns under Improvement or Municipal Commissioners the Clerk to such Commissioners, shall be the Town Clerk; and in Towns under none of the Authorities before mentioned the Collector of the Grand Jury Cess shall act as Town Clerk.

Interpretation of Terms:

25. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

"Month:" "Month" shall mean Calendar Month:

"Member:" "Member" shall include a Knight of the Shire:

"County:" The Word "County" shall include a Riding or Division of a County:

"County of a City," "County of a Town:" The Words "County of a City" or "County of a Town," or "City" or "Town" or "Borough," respectively, shall include all Places situate within the Parliamentary Boundaries of such City or Town or Borough, and none other:

"City," "Town:" The Words "City" or "Town" shall respectively include County of a City or County of a Town:

"Registration Acts." The "Registration Acts" shall mean the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, and all other Acts or Parts of Acts relating to the Registration or Qualification of Persons entitled to vote at the Election of Members to serve in Parliament for *Ireland*, as amended by this Act.

SCHEDULES to this Act.

SCHEDULE (D.)

FORM No. 1.

Claim of Lodger.

City, Town, *or* Borough of .

To the Town Clerk of the City, Town, *or* Borough of .

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I, the above-named hereby declare that I have been during the Twelve Months immediately preceding the Twentieth Day of July in this Year the Occupier as sole Tenant of the above-mentioned Lodgings, and that I have resided therein during the Twelve Months immediately preceding the said Twentieth Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant -

Witness to the Signature of the said }
And I certify my Belief in the Accuracy of the above Claim. }

Name of Witness - - -

Residence and Calling - -

[This Claim must bear Date the Twenty-first Day of July, or some Day subsequent thereto, and must be delivered to the Town Clerk on or before the Fourth Day of August.]

FORM No. 2.

List of Claimants in respect of Lodgings to be published by the Town Clerk.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City, Town, *or* Borough of .

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(Signed) *A.B.*, Town Clerk.

SCHEDULE (E.)

Offices of Profit referred to in this Act.

Lord High Treasurer.

Commissioner for executing the Offices of Treasurer of the Exchequer of Great Britain and Lord High Treasurer of Ireland.

President of the Privy Council.

Vice-President of the Committee of Council for Education.

Comptroller of Her Majesty's Household.

Treasurer of Her Majesty's Household.

Vice-Chamberlain of Her Majesty's Household.

Equerry or Groom in Waiting on Her Majesty.

Any Principal Secretary of State.

Chancellor and Under Treasurer of Her Majesty's Exchequer.

Paymaster General.

Postmaster General.

Lord High Admiral.

Commissioner for executing the Office of Lord High Admiral.

Commissioner of Her Majesty's Works and Public Buildings.

President of the Committee of Privy Council for Trade and Plantations.

Chief Secretary for Ireland.

Commis-

Commissioner for administering the Laws for the Relief of the Poor in England.
Chancellor of the Duchy of Lancaster.
Judge Advocate General.
Attorney General for Ireland.
Solicitor General for Ireland.
Attorney General for England.
Solicitor General for England.
Lord Advocate for Scotland.
Solicitor General for Scotland.

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Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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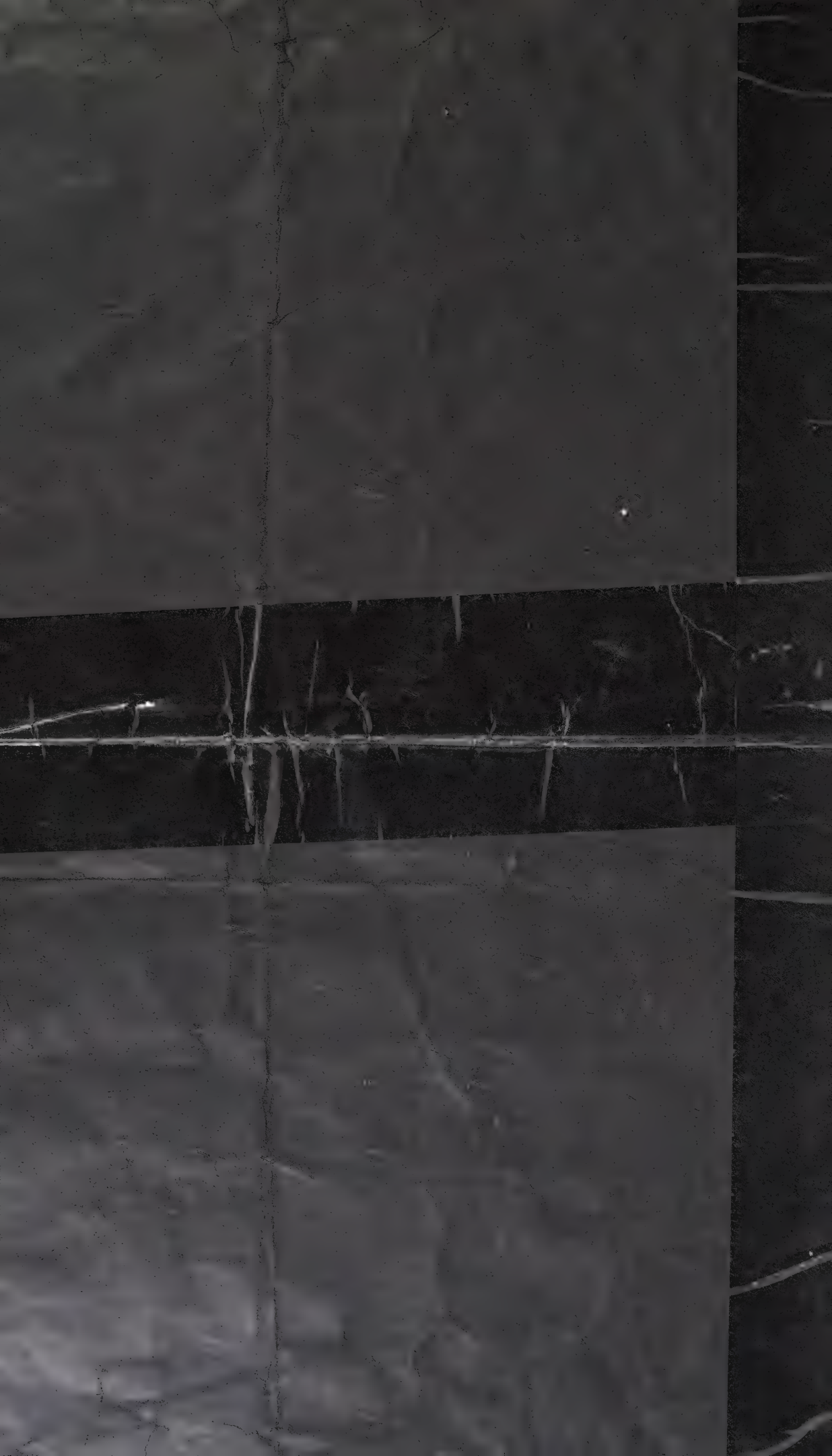

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. L.

An Act to amend the Acts for the Administration of Prisons in *Scotland* in so far as regards the County of *Lanark*; and for other Purposes.

[13th *July* 1868.]

WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, intituled *An Act to provide for the Management of the General Prison at* Perth, *and for the Administration of Local Prisons in* Scotland; and another Act was passed in the Twenty-eighth and Twenty-ninth Years of the Reign of Her present Majesty, Chapter Eighty-four, intituled *An Act to amend the Prisons* (Scotland) *Administration Act*, 1860, *and to explain the Fifty-second and Seventy-seventh Sections of the said Act*:" And whereas it is necessary for the convenient and efficient Management of the Prisons in the County of *Lanark*, that the said County should be divided into Districts, for the Purposes of the recited Acts, and of such Provisions of any other Acts as are applicable to the Prisons and Prison Board of the said County:

23 & 24 Vict. c. 105.

28 & 29 Vict. c. 84.

Prisons (Scotland) Administration Acts (Lanarkshire) Amendment.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Division into Districts.

1. The County of *Lanark* shall be divided into Two Districts for the Purposes of the recited Acts, and of such Provisions of any other Acts as are applicable to the Prisons and Prison Board of the said County; *viz.*, the Northern Prison District, comprehending the Lower Ward of the said County, with the Burghs situated therein, and the Southern Prison District, comprehending the Middle and Upper Wards of the said County, with the Burghs situated therein.

District Boards.

2. There shall be in each of the said Districts a District Prison Board; and each such District Board shall consist of the Number of Members set forth in the Schedule hereto annexed with respect to such District, who shall be chosen by the Commissioners of Supply of the said County, and by the Town Councils of the Burghs in each District, at the Times and in the Manner prescribed by the first-recited Act, as amended by this Act, and according to the Proportions set forth in the said Schedule; provided that the Sheriff, or in his Absence One Sheriff Substitute of the County to be nominated by the Sheriff for that Purpose, shall, in addition to the Members so chosen, be an ex-officio Member of each District Board.

Powers of District Boards.

3. Except in so far as otherwise provided by this Act, each of the said Districts shall be held to be a separate County for the Purposes of the recited Acts, and of any other Acts already passed or which may hereafter be passed, containing provisions applicable to the Prisons and Prison Board of the County of *Lanark*, in so far as such Provisions are concerned; and each of the said District Boards shall within its own District have all the Rights, Powers, Privileges, and Authorities, and be subject to all the Regulations, Duties, and Obligations conferred or imposed on any County Board by the said Acts; and the whole Provisions of those Acts with reference to County Boards within and for their respective Counties shall be applicable to the said District Boards within and for their respective Districts.

Transfer of Property.

4. The present County Prison Board of the said County shall cease and be abolished, as to each of the said Districts, upon the District

District Board thereof holding its First Meeting under this Act; and the Local Prison or Prisons, and whole other Property, heritable and moveable, within each of the said Districts, and Claims and Rights of Action connected therewith, belonging or competent to the present County Board, shall thereupon be transferred to and vested in the Board of such District without the Necessity of any Conveyance or Assignation; and all Appointments made by the said County Board shall remain in force until the same are legally revoked or altered by the District Boards respectively; and all Claims which have been created, and Obligations which have been incurred, by the said County Board connected with the Prison or Prisons of either of the said Districts at the Date when this Act shall come into operation, shall continue to be effectual as Claims and Obligations against the District Board of the District in which such Prison or Prisons respectively are situated.

Procedure of Commissioners of Supply.

5. The Election by the Commissioners of Supply of Members of the said District Boards may take place, and the Assessments made by the District Boards upon the Landward Part of the said Districts respectively may be assessed and levied thereon, and the Consent requisite in Terms of the second-recited Act on behalf of the Landward Part of either of the Districts to any Building Assessment beyond the Amount limited by this Act may be given, and any other Powers vested by the recited Acts in the Commissioners of Supply may be exercised by them as to either of the said Districts, at General Meetings of the Commissioners of Supply of the whole County as heretofore: Provided always, that in case of a Division of Opinion no Commissioners shall be entitled to vote on any such Question excepting those having a Qualification as Commissioners within the District for which the Members are to be chosen or which is proposed to be assessed or affected, as the Case may be: Provided also, that the Amount of the Building Assessment which the said District Boards respectively may competently impose in any One Year without the Consent of the Commissioners of Supply and Town Councils of Burghs mentioned in the second-recited Act shall not exceed Nine hundred and twenty-eight Pounds Sixteen Shillings and Ninepence in the Case of the Northern District, and Four hundred and sixteen Pounds Four Shillings and One Penny in the Case of the Southern District, instead of the Amount referred to in the second-recited Act.

6. There

Contribution by Southern to Northern District.

6. There shall be paid by the Board of the said Southern District to the Board of the said Northern District, to be applied towards the Improvement of the Prison of *Glasgow*, the Sum of Thirteen thousand nine hundred and twenty-six Pounds Eight Shillings by Two equal Instalments, payable respectively at the Terms of *Whitsunday* One thousand eight hundred and sixty-nine and *Whitsunday* One thousand eight hundred and seventy, with Interest at the Rate of Five *per Centum per Annum* upon each Instalment from the Time the same falls due till paid; which Sum shall be held to be and shall be assessed and levied upon the Lands and Heritages in the said Southern District as a Building Assessment upon the said Southern District duly consented to by the Commissioners of Supply and Town Councils of Burghs therein in Terms of the second-recited Act, and the Provisions of that Act, except as respects the Consent necessary for such Building Assessment, shall be applicable thereto accordingly.

Power to divide Lanarkshire into Districts corresponding with Prison Districts for Purposes of Lunacy Acts.

7. And whereas by an Act passed in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in* Scotland, *Scotland* is divided into Districts for the Purposes of that Act, and the County of *Lanark* is declared to be One of such Districts, but it is by the said Act provided that the General Board of Commissioners in Lunacy for *Scotland* thereby appointed shall have the Power, on the Application of the Prison Board of any County interested, to alter or vary the said Districts, either by combining Counties or Parts of Counties, or dividing Counties or otherwise, as they may think fit: And whereas it may hereafter be expedient to divide the County of *Lanark* for the Purposes of the last-mentioned Act into the same Districts as those into which it is by this Act divided for Prison Purposes: It shall be lawful for either of the District Prison Boards by this Act constituted to apply at any Time to the General Board of Commissioners in Lunacy to make such Division, and in that event the other of the said District Prison Boards shall not be entitled to object to such Application.

Commencement of Act.

8. This Act shall come into operation as at the Term of *Whitsunday* next after the passing thereof, except as to the Election of Members of the said District Boards, which shall take place in the Month of *April* immediately preceding the said Term, in manner provided by the first-recited Act and this Act.

9. The

Prisons (Scotland) Administration Acts (Lanarkshire) Amendment.

9. The recited Acts are altered and amended so far as necessary to give Effect to this Act, but no further; and the recited Acts and this Act shall be read together as One Act. Amendment of Acts.

10. This Act may be cited for all Purposes as "The Prisons (*Scotland*) Administration Acts (*Lanarkshire*) Amendment Act, 1868." Short Title.

SCHEDULE referred to in the foregoing Act.

TABLE of District Prison Boards, containing the Number of Members to be appointed for the Landward Part of each District by the Commissioners of Supply, and for the Burghs therein by the Town Councils thereof.

1. NORTHERN DISTRICT.

	Number of Members.
Landward Part	3
Glasgow	14
Rutherglen	1
Total	18

2. SOUTHERN DISTRICT.

	Number of Members.
Landward Part	9
Lanark	1
Hamilton	1
Airdrie	1
Total	12

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LI.

An Act to amend the Law relating to Fairs in *England* and *Wales*. [13th *July* 1868.]

WHEREAS it is expedient to make Provision to facilitate the Alteration of the Days upon which Fairs are now held in *England* and *Wales*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Fairs Act, 1868."

Interpretation.

2. In this Act the Term "Owner" means any Person or Persons, or Body of Commissioners or Body Corporate, entitled to hold any Fair, whether in respect of the Ownership of any Lands or Tenements, or under any Charter, Letters Patent, or Act of Parliament, or otherwise howsoever.

Secretary of State to have Power to alter Days for holding Fairs, on Representation made to him.

3. In case it shall appear to the Secretary of State for the Home Department, upon Representation duly made to him by the Magistrates of any Petty Sessional District within which any Fair is held, or by the Owner of any Fair in *England* or *Wales*, that it would be for

for the Convenience and Advantage of the Public that any such Fair shall be held in each Year on some Day or Days other than that or those on which such Fair is used to be held, it shall be lawful for the said Secretary of State for the Home Department to order that such Fair shall be held on such other Day or Days as he shall think fit: Provided always, that Notice of such Representation, and of the Time when it shall please the Secretary of State for the Home Department to take the same into consideration, shall be published once in the *London Gazette* and in Three successive Weeks in some one and the same Newspaper published in the County, City, or Borough in which such Fair is held, or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto, before such Representation is so considered.

Notice of Representation to be published in certain Newspapers.

Order of Secretary of State to be published in certain Newspapers.

4. When and so soon as any such Order as aforesaid shall have been made by the Secretary of State for the Home Department, Notice of the making of the same shall be published in the *London Gazette* and in some one Newspaper of the County, City, or Borough in which such Fair is usually held, or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto, and thereupon such Fair shall only be held on the Day or Days or at the Place mentioned in such Order; and it shall be lawful for the Owner of such Fair to take all such Toll or Tolls, and to do all such Act or Acts, and to enjoy all and the same Rights, Powers, and Privileges in respect thereof, and enforce the same by all and the like Remedies, as if the same were held on the Day or Days upon which or at the Place at which it was used to be held previous to the making of such Order.

All Rights, &c. of Owner to remain good.

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VICTORIÆ REGINÆ.

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CAP. LII.

An Act to amend the Act for punishing idle and disorderly Persons, and Rogues and Vagabonds, so far as relates to the Use of Instruments of Gaming. [13th *July* 1868.]

WHEREAS it is expedient to amend an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, Chapter Eighty-three, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of* Great Britain *called* England: 5 G. 4. c. 83.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Vagrant Act Amendment Act, 1868." Short Title.

2. This Act and the recited Act shall be construed as One Act. Construction of Acts.

3. Every

Vagrant Act Amendment.

Extending Provisions to gaming with Coin, &c.

3. Every Person playing or betting by way of Wagering or Gaming in any Street, Road, Highway, or other open and public Place, or in any Place to which the Public have or are permitted to have Access, at or with any Table or Instrument of Gaming, or any Coin, Card, Token, or other Article used as an Instrument or Means of such Wagering on Gaming at any Game or pretended Game of Chance, shall be deemed a Rogue and Vagabond within the true Intent and Meaning of the recited Act, and as such may be convicted and punished under the Provisions of that Act.

Commencement of Act.

4. This Act shall commence and take effect on and after the First Day of *October* One thousand eight hundred and sixty-eight.

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VICTORIÆ REGINÆ.

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CAP. LIII.

An Act to continue in force an Act of the Second Year of King *George* the Second, Chapter Nineteen, for the better Regulation of the Oyster Fishery in the River *Medway*. [13th *July* 1868.]

WHEREAS an Act of the Second Year of King *George* the Second, Chapter Nineteen, intituled *An Act for well ordering, governing, and improving the Oyster Fishery in the River* Medway *and Waters thereof, under the Authority of the Mayor and Citizens of the City of* Rochester *in the County of* Kent, was by Inadvertence included in the Second Schedule to the Sea Fisheries Act, 1868, and thereby repealed; and it is expedient that the same should continue in force:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The *Medway* Regulation Continuance Act, 1868." Short Title.

2. The

Continuance of 2 G. 2. c. 19.

2. The said Act of the Second Year of King *George* the Second shall continue and be deemed always to have continued in force, and so much of the Sea Fisheries Act, 1868, as repeals the same is hereby repealed.

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VICTORIÆ REGINÆ.

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CAP. LIV.

An Act to render Judgments or Decreets obtained in certain Courts in *England, Scotland,* and *Ireland* respectively effectual in any other Part of the United Kingdom. [13th *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where Judgment has been obtained in the Courts at Westminster, a Certificate thereof registered in Ireland, and vice versâ, shall have the Effect of a Judgment of the Court in which it is so registered.

1. Where Judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at *Westminster* or *Dublin* respectively for any Debt, Damages, or Costs, on Production to the Master of the Court of Common Pleas at *Dublin* where such Judgment shall have been obtained or entered up in any of the said Courts in *England*, or to the Senior Master of the Court of Common Pleas at *Westminster* where such Judgment shall have been obtained or entered up in any of the said Courts in *Ireland*, of a Certificate of such Judgment in one of the Forms contained in the Schedule hereto annexed, as the Case may be, purporting to be signed by the proper Officer of the Court where such Judgment has been obtained or entered up, such Certificate shall be registered by such Master in a Register to be kept in the Court of Common

Common Pleas at *Dublin* and at *Westminster* respectively for that Purpose, and to be called in the Court of Common Pleas at *Dublin* "The Register for *English* Judgments," and to be called in the Court of Common Pleas at *Westminster* "The Register for *Irish* Judgments," and shall from the Date of such Registration be of the same Force and Effect, and all Proceedings shall and may be had and taken on such Certificate, as if the Judgment of which it is a Certificate had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs and Charges attendant upon the obtaining and registering such Certificate shall be recovered in like Manner as if the same were Part of the original Judgment: Provided always, that no Certificate of any such Judgment shall be registered as aforesaid more than Twelve Months after the Date of such Judgment, unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Certificate.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Certificate thereof registered in Scotland shall have the Effect of a Decreet of the Court of Session.

2. Where Judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at *Westminster* or *Dublin* respectively for any Debt, Damages, or Costs, on Production at the Office kept in *Edinburgh* for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session of a Certificate of such Judgment in one of the Forms contained in the Schedule hereto annexed, as the Case may be, purporting to be signed by the proper Officer of the Court where such Judgment has been obtained or entered up, such Certificate shall be registered in a Book to be kept for that Purpose, and to be called "The Register for *English* and *Irish* Judgments," in like Manner as a Bond executed according to the Law of *Scotland*, with a Clause of Registration for Execution therein contained; and every Certificate so registered shall from the Date of such Registration be of the same Force and Effect as a Decreet of the Court of Session, and all Proceedings shall and may be had and taken on an Extract of such Certificate as if the Judgment of which it is a Certificate had been a Decreet originally pronounced in the Court of Session on the Date of such Registration as aforesaid, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Certificate shall be recovered in like Manner as if the same were Part of the original Judgment: Provided always, that no Certificate of any such Judgment shall be registered as aforesaid more than Twelve Months after the Date of such Judgment, unless Application shall have been first made to and Leave obtained from the Lord Ordinary on the Bills.

Where Decreet has been obtained in the Court of Session, a Certificate of an Extract thereof registered in England or Ireland shall have the Effect of a Judgment of the Court in which it is so registered.

3. On Production to the Senior Master of the Court of Common Pleas at *Westminster*, or to the Master of the Court of Common Pleas at *Dublin*, of the Certificate in one of the Forms contained in the Schedule hereto annexed, as the Case may be, of any extracted Decreet of the Court of Session in *Scotland* which shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses purporting to be signed by the Extractor of the Court of Session, or other Officer duly authorized to make and subscribe Extracts, or on Production of the Certificate of an extracted Decreet of Registration in the Books of Council and Session purporting to be signed by the Keeper of the Register of Deeds, Bonds, Protests, and other Writs registered for Execution in the Books of Council and Session which shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, such Certificate shall be registered by such Master in a Register to be kept in the Court of Common Pleas at *Westminster* and *Dublin* respectively for that Purpose, and to be called "The Register for *Scotch* Judgments," and such Certificate when so registered shall from the Date of such Registration be of the same Force and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken on such Certificate as if the Decreet of which it is a Certificate had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Certificate shall be recovered in like Manner as if the same were Part of the Decreet of which it is a Certificate: Provided always, that no Certificate shall be registered as aforesaid more than Twelve Months after the Date of such Decreet, unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Certificate; provided that where a Note of Suspension of any such Decreet shall have been passed or a Sist of Execution shall have been granted thereon by the said Court of Session or any Judge thereof, on the Production of a Certificate under the Hand of the Clerk to the Bill Chamber of the Court of Session of the passing of such Note or the granting of such Sist to a Judge of the Court in which such Certificate of such Decreet has been registered, Execution on such registered Certificate shall be stayed until a Certificate be produced under the Hand of the said Clerk that such Sist has been recalled or has expired, or, where the Note of Suspension has been passed, until there be produced an Extract, under the Hand of the Extractor of the Court of Session or other Officer duly authorized to

to make and subscribe Extracts, of a Decreet of the said Court repelling the Reasons of Suspension.

Courts herein named to have Control over registered Judgments or Decreets in so far as relates to Execution.

4. The Courts of Common Pleas at *Westminster* and at *Dublin* and the Court of Session in *Scotland* shall have and exercise the same Control and Jurisdiction over any Judgment or Decrect, and over any Certificate of such Judgment or Decreet, registered under this Act in such Courts respectively as they now have and exercise over any Judgment or Decreet in their own Courts, but in so far only as relates to Execution under this Act.

No Security for Costs where Plaintiff resides in a different Part of the Kingdom.

5. It shall not be necessary for any Plaintiff in any of the aforesaid Courts in *England* resident in *Ireland* or *Scotland*, or any Plaintiff in any of the aforesaid Courts in *Ireland* resident in *England* or *Scotland*, in any Proceeding had and taken on such Certificate, to find Security for Costs in respect of such Residence, unless, on special Grounds, a Judge or the Court shall otherwise order; nor shall it be necessary for any Party to such Proceeding in *Scotland*, resident in *England* or *Ireland*, to sist a Mandatory, or otherwise to find Security for Expenses in respect of such Residence, unless, on special Grounds, the Court shall otherwise order.

Costs not to be allowed in Actions on Judgments unless by Order of Court.

6. In any Action brought in any Court in *England*, *Scotland*, or *Ireland* on any Judgment or Decrect which might be registered under this Act in the Country in which such Action is brought, the Party bringing such Action shall not recover or be entitled to any Costs or Expenses of Suit unless the Court in which such Action shall be brought, or some Judge of the same Court, shall otherwise order.

Judges to make Rules for Execution of this Act.

7. It shall be lawful for the Judges of the Court of Queen's Bench, Common Pleas, and Exchequer at *Westminster* and *Dublin* respectively, or any Eight or more of them respectively, of whom the Chiefs of the said Courts respectively shall be Three, and they are hereby required, from Time to Time to make all such General Rules and Orders to regulate the Practice to be observed in the Execution of this Act, or in any Matter relating thereto, including the Scale of Fees to be charged, in the Courts of Common Law in *England* and *Ireland* respectively, as they may deem to be necessary and proper; and it shall be lawful for the Court of Session in *Scotland*, and the said Court is hereby required, from Time to Time to make such Acts of Sederunt to regulate the Practice to be observed in the Execution of this Act, or in any Matter relating thereto, including the Scale of Fees to be charged, in

in *Scotland*, as such Court may deem to be necessary and proper: Provided always, that such Rules, Orders, and Acts of Sederunt respectively shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

Act not to apply to certain Decreets.

8. This Act shall not apply to any Decreet pronounced in absence in an Action proceeding on an Arrestment used to found Jurisdiction in *Scotland*.

Short Title.

9. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Judgments Extension Act, 1868."

SCHEDULE.

CERTIFICATE issued in Terms of "THE JUDGMENTS EXTENSION ACT, 1868."

FORM I.—*Where Party applying is Plaintiff or Pursuer.*

I, certify that [*here state Name, Title, Trade or Profession, and usual or last known Place of Abode of Plaintiff or Pursuer*] on the Day of 18 obtained Judgment against [*here state Name and Title, Trade or Profession, and usual or last known Place of Abode of Defendant*] before the Court of for Payment of the Sum of on account of [*state shortly Nature of Claim or Ground of Action, with the Sum of Costs, if any, and in case of a Judgment obtained in an Action state whether it was obtained after Appearance made by the Defendant or after Service* (*personal or otherwise*) *of the Action on the Defendant, as the Case may be*].

(Signed by the proper Officer of the Court from which the Certificate issues.)

FORM II.—*Where Party applying is Defendant or Defender.*

I, certify that [*here state Name, Title, Trade or Profession, and usual or last known Place of Abode of Defendant or Defender*] on the Day of 18 obtained Judgment against [*state Name, Title, Trade or Profession, and usual or last known Place of Abode of Plaintiff or Pursuer*] before the Court of for Judgment of the Sum of £ as Costs of Suit.

(Signed by the proper Officer of the Court from which the Certificate issues.)

Minute of Presentation to be appended to either Form.

Presented for Registration in Terms of "The Judgments Extension Act, 1868."

Signature of (*Attorney, Law Agent, or Creditor*) presenting for Registration.

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Scotland to be collected by Stamps.

connected therewith, or to the Officers thereof, in so far as such Fees are payable into or accountable for to Her Majesty's Exchequer, shall be collected by means of Stamps; and every such Notice shall be in accordance with the Form given in the Schedule to this Act, with such Variations as Circumstances may require; and from and after the Time specified in any such Notice the Fees therein mentioned shall be received by Stamps denoting the Amount of Fees payable, and not in Money.

Stamps to be impressed or adhesive.

3. All or any Stamps to be used under this Act shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury from Time to Time direct.

General Rules to be made by Treasury.

4. The Commissioners of Her Majesty's Treasury, with the Concurrence of the Court of Session, may from Time to Time make such Rules as seem fit for regulating the Use of Stamps under this Act, and particularly for prescribing the Application thereof to Documents from Time to Time in use or required to be used for the Purposes of such Stamps, and for insuring the proper Cancellation of adhesive Stamps, and keeping Accounts of such Stamps.

Documents not properly stamped to be invalid.

5. Any Document which ought to bear a Stamp under this Act shall not be of any Validity unless and until it is properly stamped; but if any such Document is through Mistake or Inadvertence received, lodged, recorded, or used without being properly stamped, it shall be competent for the Court or Judge before whom the Cause depends to which such Document relates to order that the same be stamped, as in such Order may be directed, and on such Document being stamped accordingly the same and every Proceeding relative thereto shall be as valid as if such Document had been properly stamped in the first instance.

Nothing to interfere with Powers of Treasury, &c. for Alteration of Fees.

6. Nothing in this Act shall interfere with the Exercise by any Authority of any Power of altering or otherwise regulating the Amount of any Fees for the Time being payable in any Court of Law in *Scotland*, or in any Office connected therewith, or to the Officers thereof, or of any Salaries or other Charges for the Time being payable thereout or charged thereon: And the Commissioners of Her Majesty's Treasury shall have Power from Time to Time to prepare amended Tables of Fees in place of the Fees now payable as aforesaid, and shall lay such amended Tables before the Court of Session, and any Alteration in the Amount of such Fees shall be subject to the Approval of the said Commissioners, and the Fees payable in the Court of Session and Offices thereof shall be paid into the Fee Fund of the Court of Session till the Commissioners

sioners of Her Majesty's Treasury shall direct that they shall be collected by means of Stamps.

Provision for Abolition of Fee Fund of Court of Session.

7. So soon as the Commissioners of Her Majesty's Treasury, in pursuance of the Powers of this Act, shall direct that the Fees payable into the Fee Fund of the Court of Session shall be collected by means of Stamps, the Offices of Collector and Accountant of the said Fee Fund shall be and the same are hereby in that event abolished; and the said Commissioners are hereby authorized, on Proof of the average Amount of the Emoluments received by the Holders of said Offices respectively, after defraying the Expenses of the Establishment, to award to such Holders such annual Allowance as the said Commissioners shall deem just, having regard to the Tenure by which such Holders respectively hold their Offices; and such Compensation, by way of annual Allowance, shall be payable out of Funds to be provided by Parliament for that Purpose: Provided also, that the Compensation so granted, in the event of the Appointment thereafter of any of the said Persons to any Office of Profit or Emolument under the Crown, shall abate or wholly cease during the Period in which such Person shall hold such Office, so as that the Compensation and the Emolument thereof taken together shall not exceed the Emoluments of the Office in respect of which Compensation has been granted.

Separate Account to be kept of Money received for Stamps.

8. The Commissioners of Inland Revenue shall keep a separate Account of the Money received for Stamps under this Act; and, subject to the Deduction out of the Money so received of any Expenses incurred by the Commissioners of Inland Revenue in the Execution of this Act, the Money so received shall, under the Direction of the said Commissioners, be carried to and shall form Part of the Consolidated Fund of the United Kingdom.

Accounts to be laid before Parliament.

9. Each Account so kept by the Commissioners of Inland Revenue for every Year ending the Thirty-first Day of *March*, together with an Account for every such Year, prepared under the Directions of the Commissioners of Her Majesty's Treasury, showing the Salaries and other Charges for the Time being charged on or payable out of any Fees comprised in this Act, and also showing all other Charges in respect of the said Courts and their several Offices for the Time being paid out of the said Consolidated Fund, or out of Money provided by Parliament, by way of Salary, Compensation, or otherwise, shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Account, if Parliament is then sitting, or if not, then within One Month after the next meeting of Parliament; and the Second of such yearly Accounts,

Accounts, and every subsequent Account, shall show the Items for Two consecutive Years, and the Increase or Decrease of any of those Items in the Second of those Years as compared with the First.

Repeal of Enactments inconsistent with this Act.

10. All Acts of Parliament or Acts of Sederunt shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the Provisions of this Act, but in all other respects they shall remain in full Force and Effect.

The SCHEDULE.

COURT OF SESSION OFFICES

(*or as the Case may be*).

NOTICE under the "Courts of Law Fees (Scotland) Act, 1868."

The Commissioners of Her Majesty's Treasury, in pursuance of the Provisions of the said Act, hereby declare and direct that from and after the Day of the Fees for the Time being payable in the Offices of the Court of Session (*or as the Case may be*), or to the Officers thereof, shall be collected by means of Stamps.

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Definition of "Petroleum."

3. For the Purposes of the Petroleum Acts, 1862, 1868, including all Local Acts and Byelaws relating to Petroleum or the Produce thereof, "Petroleum" shall include all such Rock Oil, *Rangoon* Oil, *Burmah* Oil, any Product of them, and any Oil made from Petroleum, Coal, Schist, Shale, Peat, or other Bituminous Substance, and any Product of them, as gives off an inflammable Vapour at a Temperature of less than One hundred Degrees of *Fahrenheit*'s Thermometer.

Sect. 3. of 25 & 26 Vict. c. 66. repealed.

4. From and after the First Day of *February* One thousand eight hundred and sixty-nine, the Third Section of the Petroleum Act, 1862, shall be repealed; provided that such Repeal shall not affect any Liability or Penalty incurred in respect of any Offence committed before the passing of this Act, or any legal Remedy for enforcing or recovering such Liability or Penalty.

Regulations as to Storage of Petroleum.

From and after the First Day of *February* One thousand eight hundred and sixty-nine, no Petroleum shall be kept, otherwise than for private Use, within Fifty Yards of a Dwelling House or of a Building in which Goods are stored, except in pursuance of a Licence given in accordance with the Petroleum Act, 1862.

There may be annexed to any such Licence such Conditions as to the Mode of Storage, as to the Nature of the Goods with which Petroleum may be stored, as to the testing such Petroleum from Time to Time, and generally as to the safe keeping of Petroleum, as may seem expedient to the Local Authority.

Any Petroleum kept in contravention of this Section shall be forfeited, and in addition thereto the Occupier of the Place in which such Petroleum is kept shall be liable to a Penalty not exceeding Twenty Pounds a Day for each Day during which Petroleum is kept in contravention of the Petroleum Acts, 1862 and 1868, or either of such Acts.

Prohibition of Sale of Petroleum for Purpose of Illumination.

5. No Person shall sell or expose for Sale for Use within the United Kingdom any Description of Petroleum from and after the First Day of *February* One thousand eight hundred and sixty-nine which gives off an inflammable Vapour at a Temperature of less than One hundred Degrees of *Fahrenheit*'s Thermometer, unless the Bottle or Vessel containing such Petroleum have attached thereto a Label in legible Characters stating as follows: "Great Care must "be taken in bringing any Light near to the Contents of this "Vessel, as they give off an inflammable Vapour at a Temperature "of less than One hundred Degrees of *Fahrenheit*'s Thermometer." Any Person acting in contravention of this Section shall for each Offence be subject to a Penalty not exceeding Five Pounds.

6. It

Inspector of Weights, &c. may test Petroleum.

6. It shall be lawful for any Inspector of Weights and Measures, or other Person or Persons duly appointed to inspect Weights and Measures under the Act Twenty-second and Twenty-third *Victoria*, Chapter Fifty-six, and the Acts therein recited, at all reasonable Times to inspect and test all Petroleum kept, offered, or exposed for Sale; and if upon such Inspection and Test any Description of Petroleum shall be found kept or offered or exposed for Sale as aforesaid contrary to the Provisions of this Act or of the Petroleum Act, 1862, the same shall be liable to be seized and, upon Conviction, forfeited, and such Person so examining the same shall retain a Sample thereof, and the Person or Persons so offending shall be liable for any such Offence to any Penalty not exceeding Five Pounds: Provided always, that if the Person or Persons in whose Possession such Petroleum shall be found as aforesaid shall claim to have a further Test made on their Behalf, the Magistrate before whom Complaint of the said Offence may be laid shall call before him the Public Analyst provided by the Second Section of the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Eighty-four, or, if no such Analyst has been provided, some other Person having competent Chemical Knowledge, who shall test a Portion of the Sample so retained as aforesaid in the Manner herein-after provided, and shall give Evidence of the Result of such Test; and the Magistrate shall direct Payment to be made to the Analyst of a Sum not less than Two Shillings and Sixpence nor more than Ten Shillings and Sixpence; and in case of Conviction the Person convicted shall pay the Cost of such Analysis, and in case of Acquittal such Cost shall be paid in the Manner provided for the Payment of Expenses by Section Twelve of the said Act of the Twenty-third and Twenty-fourth *Victoria*.

Trial of Offences under Petroleum Acts, 1862 and 1868.

7. All Offences under the Petroleum Acts, 1862, 1868, may be tried as Police Offences by any Magistrate acting under any General or Local Police Act, and all Forfeitures and Penalties incurred under the Petroleum Acts, 1862, 1868, may be disposed of, recovered, and applied in the Manner authorized by such General or Local Police Act.

Mode of testing Petroleum.

8. The Temperature at which Petroleum gives off an inflammable Vapour shall, for the Purposes of the Petroleum Acts, be tested in manner set forth in the Schedule hereto.

SCHE-

SCHEDULE.

Directions for applying the Flashing Test to Samples of Petroleum Oil.

The Vessel which is to hold the Oil shall be of thin Sheet Iron; it shall be Two Inches deep and Two Inches wide at the Opening, tapering slightly towards the Bottom; it shall have a flat Rim, with a raised Edge One Quarter of an Inch high round the Top; it shall be supported by this Rim in a Tin Vessel Four Inches and a Half deep and Four and a Half Inches in Diameter; it shall also have a thin Wire stretched across the Opening, which Wire shall be so fixed to the Edge of the Vessel that it shall be a Quarter of an Inch above the Surface of the flat Rim. The Thermometer to be used shall have a round Bulb about Half an Inch in Diameter, and is to be graduated upon the Scale of Fahrenheit, every Ten Degrees occupying not less than Half an Inch upon the Scale.

The inner Vessel shall be filled with the Petroleum to be tested, but Care must be taken that the Liquid does not cover the flat Rim. The outer Vessel shall be filled with cold, or nearly cold, Water; a small Flame shall be applied to the Bottom of the outer Vessel, and the Thermometer shall be inserted into the Oil so that the Bulb shall be immersed about One and a Half Inches beneath the Surface. A Screen of Pasteboard or Wood shall be placed round the Apparatus, and shall be of such Dimensions as to surround it about Two Thirds, and to reach several Inches above the Level of the Vessels.

When Heat has been applied to the Water until the Thermometer has risen to about 90° Fahrenheit, a very small Flame shall be quickly passed across the Surface of the Oil on a Level with the Wire. If no pale Blue Flicker or Flash is produced, the Application of the Flame is to be repeated for every Rise of Two or Three Degrees in the Thermometer. When the Flashing Point has been noted, the Test shall be repeated with a fresh Sample of the Oil, using cold, or nearly cold, Water as before; withdrawing the Source of Heat from the outer Vessel when the Temperature approaches that noted in the First Experiment, and applying the Flame Test at every Rise of Two Degrees in the Thermometer.

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And whereas Doubts have arisen whether such Persons, not having been, previously to their being so summoned, expressly named or appointed by Her Majesty in any Instrument under the Royal Sign Manual, or otherwise, have been legally summoned to the said Legislative Council, and become Members thereof; and it is expedient that such Doubts should be removed, and that fresh Provision should be made for the future Appointment of Legislative Councillors in the said Colony:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of recited Act repealed.

1. So much of the said recited Act as is inconsistent with this Act is hereby repealed.

Governor empowered to summon such Persons as he may think fit to the Legislative Council.

2. From and after the Proclamation of this Act in the said Colony of *New Zealand*, it shall be lawful for the Governor of the said Colony, from Time to Time, in Her Majesty's Name, by an Instrument or Instruments under the Public Seal of the said Colony, to summon to the said Legislative Council such Person or Persons as the said Governor shall think fit, either in addition to the present Members of the said Council, or for supplying any Vacancies which may take place therein by Death or otherwise; and every Person who shall be so summoned shall thereby become a Member of the Legislative Council: Provided always, that, unless otherwise determined by the Legislature of *New Zealand*, no Person shall be summoned to such Legislative Council who shall not be of the full Age of Twenty-one Years, and either a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of Parliament or by an Act of the Legislature of *New Zealand*.

All Summonses to Legislative Council declared valid.

3. All Persons who, before the Proclamation of this Act in the said Colony, shall have been summoned to the Legislative Council of the said Colony by the Governor, without having been so previously named or appointed by Her Majesty as aforesaid, shall be deemed and taken to have been legally summoned, and to be and to have been and become Members of the said Legislative Council from the respective Periods when they were so summoned; and no Matter or Thing done by any such Person so summoned as aforesaid, as such Member as aforesaid, shall be deemed or taken to be or to have been invalid by reason of such Person not having been previously duly named or appointed by Her Majesty in pursuance of the said recited Act.

4. In

4. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*. "Governor."

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This and Principal Act construed as One.

2. This Act shall be construed as One with the Principal Act, and may be cited for all Purposes as "The Parliamentary Electors Registration Act, 1868."

Application of Act.

3. This Act shall not apply to *Scotland* or *Ireland*, except that so much thereof as relates to the Time to be appointed for the First Meeting of Parliament after the Dissolution thereof shall apply both to *Scotland* and *Ireland*, and that so much thereof as relates to an Election for the County of *Orkney* and *Shetland* shall apply to *Scotland*.

PART I.

Provisions as to Registration in the Year 1868.

Number of Revising Barristers to be appointed for 1868.

4. The Number of Revising Barristers to be appointed in the Year One thousand eight hundred and sixty-eight, in pursuance of the Twenty-eighth Section of the Principal Act, may be as follows; that is to say,

For the County of *Middlesex*, and for the City of *London*, the City of *Westminster*, and the Boroughs in the County of *Middlesex* - - - - -	6
For the Counties, Cities, Boroughs, and Places within the Home Circuit - - - - -	15
For the Counties, Cities, Boroughs, and Places within the Western Circuit - - - - -	21
For the Counties, Cities, Boroughs, and Places within the *Oxford* Circuit - - - - -	18
For the Counties, Cities, Boroughs, and Places within the Midland Circuit - - - - -	20
For the Counties, Cities, Boroughs, and Places within the *Norfolk* Circuit - - - - -	15
For the Counties, Cities, Boroughs, and Places within the Northern Circuit - - - - -	20
For the Counties, Cities, Boroughs, and Places within the *North Wales* Circuit - - - - -	8
For the Counties, Cities, Boroughs, and Places within the *South Wales* Circuit - - - - -	9

Additional Barristers how to be appointed.

5. The Power of appointing additional Revising Barristers in pursuance of Section Twenty-nine of the Principal Act shall, in the Case of any Event in which the said Power arises occurring after the Fifth Day of *September* in the Year One thousand eight hundred and sixty-eight, be exercised by any Judge of Her Majesty's Superior Courts of Common Law at *Westminster* sitting in Chambers, on the like Representations being made to him as would justify an Appointment under the said Section.

6. The

Registration.

Revision of Lists in Counties.

6. The following Provisions shall be enacted with respect to the Revision of the Lists and Completion of the Register of Voters in Counties in the Year One thousand eight hundred and sixty-eight:

1. The Lists of Voters for each County shall be revised by the Barrister or Barristers appointed to revise the same between the Fourteenth Day of *September* inclusive and the Eighth Day of *October* inclusive, and the Barrister appointed to revise the Lists shall, Seven Days at the least before holding any Court of Revision, give Notice to the Clerk of the Peace of the Time and Place at which such Court will be holden, and of the several Parishes and Townships the Lists of and for which will be revised at such Court, which last-mentioned Lists are herein-after referred to as the Parochial Lists.

2. The Revising Barrister shall, if practicable, complete the Revision of the Lists of one Polling District before proceeding to revise the Lists of another Polling District.

3. The Revising Barrister, on completing the Revision of the Lists of any Polling District, shall forthwith transmit the same to the Clerk of the Peace of the County in which the District is situate.

4. The Clerk of the Peace shall keep the original Lists amongst the Records of the Session, but shall, as soon as possible after the Receipt thereof, cause Copies of such Lists to be printed, with the Names in each Parish or Township in the District arranged in alphabetical Order, and numbered consecutively throughout the whole of the Lists belonging to the Polling District, beginning in each Polling District with the Number One.

5. The Clerk of the Peace shall, as soon as possible after the Receipt of all the revised Lists of his County, cause to be made out and printed a separate supplemental List for each Polling District, containing in alphabetical Order the Names of all Persons whose Names do not appear in any of the Parochial Lists of such District, but who have been registered by the Revising Barrister to vote at the Polling Place of such District; and such supplemental List shall be placed at the End of the Parochial Lists of each Polling District.

6. All the Lists of a County, including the said supplemental Lists, shall be printed uniformly, and shall be capable of forming One Book, or of being detached each List by itself, so that the List of any Parish or Township, or all the Lists

Lists of any Polling District or Polling Districts, may be had separately.

7. The Clerk of the Peace shall, on or before the First Day of *November* One thousand eight hundred and sixty-eight, sign a printed Copy of every Parochial List and Supplemental List as aforesaid belonging to the several Polling Districts in his County, and deliver the Book containing such Lists, arranged according to the alphabetical Order of the Polling Districts, to the Sheriff of the County, to be by him and his Successors in Office safely kept; and such Book shall be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which may take place in and for the same County between the First Day of *November* One thousand eight hundred and sixty-eight and the First Day of *January* One thousand eight hundred and seventy.

Revision of Lists in Boroughs.

7. The following Provisions shall be enacted with respect to the Revision of the Lists and Completion of the Register of Voters in Cities and Boroughs in the Year One thousand eight hundred and sixty-eight:

1. The Revision of the Lists of Voters for a City or Borough for the Year One thousand eight hundred and sixty-eight shall be begun and completed in the same Interval, and, so far as is convenient, in the same Manner, as is in this Act provided with respect to the Lists of Voters for a County, but it shall be lawful for the Revising Barrister to conduct the Revision by Parishes, Townships, Polling Districts, or otherwise as he thinks will most conduce to Despatch, and to send to the Town Clerk from Time to Time such Parts of the revised Lists as he thinks convenient.

Delivery of Lists to Returning Officer.

8. The Town Clerk of every City or Borough returning a Member or Members to serve in Parliament shall, on or before the First Day of *November* One thousand eight hundred and sixty-eight, sign and deliver the printed Book containing all the Lists of the Voters in his City or Borough to the Returning Officer of such City or Borough, to be by him and his Successors, as Returning Officer, safely kept, and such Book shall be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which may take place in and for the said City or Borough between the First Day of *November* One thousand eight hundred and sixty-eight and the First Day of *January* One thousand eight hundred and seventy.

9. Where,

Extension in certain Cases of Time for making Claims to vote for County Members.

9. Where, by reason of the Disfranchisement or the Alteration of the Boundaries of any Borough during the present Session of Parliament, any Person who would not otherwise be so entitled becomes entitled to vote for the Member or Members to serve in Parliament for any County, the Time for making a Claim shall in such Case in this present Year extend to the Twenty-fifth instead of the Twentieth of *July*.

Sect. 60. of 30 & 31 Vict. c. 102. to be construed as herein stated.

10. Whereas it is provided by the Sixtieth Section of the Representation of the People Act, 1867, that "notwithstanding anything in this Act contained, in the event of a Vacancy in the "Representation of any Constituency or of a Dissolution of Parliament taking place, and a Writ or Writs being issued before "the First Day of *January* One thousand eight hundred and sixty-"nine for the Election of Members to serve in the present or any "new Parliament, each Election shall take place in the same "Manner in all respects as if no Alteration had been made by this "Act in the Franchises of Electors, or in the Places authorized to "return a Member or Members to serve in Parliament, with this "Exception, that the Boroughs by this Act disfranchised shall not "be entitled to return Members to serve in any such new Parliament:" Be it enacted, That the said Section shall be construed as if the Words "the First Day of *November* One thousand "eight hundred and sixty-eight" were substituted for the Words "the First Day of *January* One thousand eight hundred and sixty-"nine."

Shortening Time for assembling Parliament.

11. If the next Dissolution of Parliament take place in the Year One thousand eight hundred and sixty-eight, the Time to be appointed for the First Meeting of the Parliament of the United Kingdom of *Great Britain* and *Ireland* after such Dissolution may be any Time not less than Twenty-eight Days after the Date of such Proclamation, any Act, Law, or Usage to the contrary notwithstanding.

Saving of Registration Acts.

12. The Forty-seventh and Forty-eighth Sections of the Principal Act, and so much of the Forty-ninth Section of the Principal Act as relates to the Time during which the Register is to be in force, and all other Provisions of any Act of Parliament inconsistent with the Provisions herein-before contained, shall not apply to the Lists or Register of Voters to be made in the Year One thousand eight hundred and sixty-eight; but, save as aforesaid, all the Provisions of the Acts relating to the Registration of Parliamentary Voters shall remain in full Force.

13. Section

Registration.

Provision as to Return of Member for Orkney.

13. Section Thirty-one of the Act of Second and Third *William* Fourth, Chapter Sixty-five, shall not apply to any Election which may take place for the County of *Orkney* in the Year One thousand eight hundred and sixty-eight, and in place thereof, so far as respects such Election, the following Provisions shall be substituted; that is to say,

"The Sheriff of *Orkney* to whom the Writ for the Election of a "Member for the County of *Orkney* and *Shetland* shall be "addressed at *Kirkwall* shall within Twenty-four Hours after "receiving the same issue a Precept to the Sheriff Substitute in "*Shetland*, fixing a Day for the Election for the said County, which "Day shall not be less than Eight nor more than Twelve Days "after that on which the Writ was received, and shall forward or "transmit the said Precept with the least possible Delay directly "to the said Sheriff Substitute in *Shetland*, who immediately on "Receipt thereof shall announce the Day of Election by Notices on "the Church Doors; and if on the Day of Election more Candidates "than One shall be put in Nomination and a Poll shall be de-"manded, the Sheriff shall then fix a convenient Day for such "Election, not being less than Six nor more than Ten Days after "the Day of Nomination, and shall forthwith despatch Notice of "such Day to the Sheriff Substitute of *Shetland*, and the Polling "shall be held accordingly on the Day so fixed, and continue "during the Time permitted by Law."

Provision in case of Parish severed by the Boundary Act from its proper Polling District.

14. Where any Parish or Township is in consequence of the Provisions of any Act passed during the present Session of Parliament placed for Parliamentary Purposes in a different Division of a County from that in which it was previously situate, or where for any Reason a Doubt exists as to the Polling District to which any Parish or Township belongs, the Clerk of the Peace of the County in which such Parish or Township is situate may for the Purposes of Revision of the List of Voters during the present Year, and also (subject to any Alteration that may be made by the Authority having Power to alter Polling Districts) for the Purpose of voting at an Election during the present Year, annex such Parish or Township to such Polling District as he may think most convenient.

Where a Parish or Township has been annexed to any Polling District in pursuance of this Section, the Clerk of the Peace shall give Notice to the Overseers of such Parish or Township of the Polling District to which the same is annexed, and of the Polling Place at which the Voters of such Parish or Township are to poll.

PART II.

Amendment of Law as to Registration.

Alterations of Times.

Amendment of 16 & 17 Vict. c. 68. s. 2. as to Elections in Counties.

15. Whereas by the Act of the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, Section Two, it is enacted, "that after the passing of "that Act any such special Court as is therein mentioned for the "Purpose of the Election of a Knight or Knights to serve in Parlia- "ment for any County, Riding, Parts, or Division of any County in "*England* or *Wales*, shall be holden on any Day (*Sunday*, *Good* "*Friday*, and *Christmas Day* excepted) not later from the Day of "making the Proclamation than the Twelfth Day nor sooner "than the Sixth Day:" Be it enacted, That the said Section shall be construed as if the Words Fourth Day were substituted for Sixth Day.

Amendment of Act of 5 & 6 W. 4. c. 36. s. 2. as to Time of polling in the Welsh Contributory Boroughs.

16. Whereas by the Act of the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Thirty-six, Section Two, it is enacted, "that at every contested Election "of a Member or Members to serve in Parliament for any City, "Borough, or Town, or County of City or County of a Town, the "polling shall commence at Eight of the Clock in the Forenoon of "the Day next following the Day fixed for the Election, and the "polling shall continue during such One Day only, and no Poll "shall be kept open later than Four of the Clock in the After- "noon; provided always, that when such Day next following the "Day fixed for the Election shall be *Sunday*, *Good Friday*, or "*Christmas Day*, then in the Case it be *Sunday* the Poll shall be "on the *Monday* next following, and in the Case it be *Good* "*Friday* then on the *Saturday* next following, and in the Case it "be *Christmas Day* then on the next following Day, if the same "shall not be *Sunday*, and if it be *Sunday* on the next following "*Monday*:" And whereas a longer Time is required in the Case of the said Contributory Boroughs in *Wales* specified in the said Schedule marked (E.) annexed to the said Act of the Session of the Second Year of King *William* the Fourth, Chapter Forty-five: Be it enacted, That the said recited Section shall be repealed so far as respects the said Contributory Boroughs, and in lieu thereof be it enacted, that at every contested Election of a Member or Members to serve in Parliament for any of the said Contributory Boroughs the polling shall commence at Eight of the Clock of the Forenoon of the First or Second Day next following the

the Day fixed for the Election, and the polling shall continue during One such Day only, and no Poll shall be kept open later than Four of the Clock in the Afternoon: Provided always, that *Sunday*, *Good Friday*, or *Christmas Day* shall not, for the Purposes of this Section, be reckoned as a Day.

Amendment of the Representation of the People Act, 1867.

Amendment of Sect. 30. of 30 & 31 Vict. c. 102.

17. Whereas by the First Enactment contained in the Thirtieth Section of the Representation of the People Act, 1867, it is enacted, that "the Overseers of every Parish or Township shall make out or "cause to be made out a List of all Persons on whom a Right to "vote for a County in respect of the Occupation of Premises is "conferred by this Act, in the same Manner and subject to the "same Regulations, as nearly as Circumstances admit, in and "subject to which the Overseers of Parishes and Townships in "Boroughs are required by the Registration Acts to make out or "cause to be made out a List of all Persons entitled to vote for a "Member or Members for a Borough in respect of the Occupation "of Premises of a clear yearly Value of not less than Ten Pounds:" And whereas by the Fifty-ninth Section of the same Act it is further provided that the said Representation of the People Act, 1867, so far as is consistent with the Tenor thereof, shall be construed as One with the Registration Acts: And whereas Doubts are entertained, notwithstanding the said Provisions, whether the Fifteenth Section of the Principal Act, relating to the Claims of Persons omitted from Borough Lists of Voters, or desirous of being registered in respect of a different Qualification from that appearing in such Lists, does or does not apply with the necessary Variations to the Rectification of the Lists of County Voters to be made in pursuance of the said Enactment: It is hereby declared, That the said Fifteenth Section of the Principal Act shall apply to the List of Persons on whom a Right to vote for a County in respect of the Occupation of Premises is conferred by the Representation of the People Act, 1867, in the same Manner as if the List of Voters in the said Fifteenth Section referred to were the List of Voters made in pursuance of the Enactment contained in the Thirtieth Section of the Representation of the People Act instead of the List of Voters for a City or Borough as specified in the said Fifteenth Section.

Amendment of Sect. 34. of 30 & 31 Vict. c. 102.

18. Where a Municipal Borough forms Part of a Parliamentary Borough the Town Clerk of such Municipal Borough shall be deemed to be the Town Clerk within the Meaning of the Thirty-fourth

fourth Section of the Representation of the People Act, 1867, and the Acts relating to Registration.

The Local Authority within the Meaning of the same Section, in Boroughs where the Town Council is not the Local Authority, shall be the Justices of the Peace of the Petty Sessional Division in which such Borough is situate, or if such Borough be situate in or comprise more than One Petty Sessional Division then the Justices in General or Quarter Sessions having Jurisdiction over such Borough or the greater Part thereof in Area.

The Power of dividing their County into Polling Districts, and assigning to each District a Polling Place, vested in the Justices of the Peace by the said Thirty-fourth Section of the Representation of the People Act, 1867, may be exercised by such Justices from Time to Time and as often as they think fit; and the said Power of dividing a County into Polling Districts shall be deemed to include the Power of altering any Polling District or Polling Districts.

Provision as to 12*l.* Occupiers.

19. In the Lists and Register of Voters for a County the Names of the Persons in any Parish or Township on whom a Right to vote for a County in respect of the Occupation of Premises in such Parish or Township is conferred by the Representation of the People Act, 1867, shall appear in a separate List after the List of Voters in such Parish or Township otherwise qualified, and such separate List shall be deemed to be Part of the Lists of County Voters of such Parish or Township, and shall be annually made anew by the Overseers of such Parish or Township, subject to this Proviso, that the Revising Barrister shall erase from the separate List of such Occupiers as aforesaid all Persons who appear to him from the accompanying Lists to be entitled to vote in the same Polling District in respect of some other Qualification to which no Objection is made, except in Cases where any Person whose Name is about to be erased object to the Erasure, in which Case such Person shall be deemed to have given due Notice of his Claim to have his Name inserted in the List of Occupiers, and shall be dealt with accordingly.

Amendment of Law respecting the Registration of Lodgers.

20. Notwithstanding anything contained in the Thirtieth Section of the Representation of the People Act, 1867, and the Thirty-eighth Section of the Principal Act therein referred to, the Names of the Persons in any Parish or Township on whom a Right to vote for a Member or Members to serve for any Borough in respect of the Occupation of Lodgings is conferred by the Representation of the People Act, 1867, shall, in the Lists and Register of Voters for such Boroughs, appear in a separate List.

21. Section

Registration.

As to Issue of Writs to the County Palatine of Durham.

21. Section Fifty-seven of the Representation of the People Act, 1867, with respect to the County Palatine of *Lancaster*, and the Issue, Direction, and Transmission of Writs for the Election of Members to serve in Parliament for any Division of the said County or for any Borough situate therein, shall be construed to extend to and include the County Palatine of *Durham*.

Miscellaneous Amendments.

Parish situate in more than One Polling District.

22. Where any Parish in a County, City, or Borough forms Part of more than One Polling District, the Part of such Parish situate in each Polling District shall be deemed to be a separate Parish for the Purposes of the Revision of Voters and the Lists and Register of Voters, and may be designated by some distinguishing Addition in the List of Voters for such Part of a Parish.

Recovery of Expenses by Town Clerks and Returning Officers.

23. Whereas it is expedient to provide a summary Remedy for the Recovery by Town Clerks and Returning Officers of Sums of Money due to them in respect of Expenses incurred in pursuance of the Registration Acts: Be it enacted, That if the Overseers of any Parish or Township refuse or neglect to pay to the Town Clerk or Returning Officer of any Borough, out of the first Monies to be collected for the Relief of the Poor, any Contribution or Sum required to be paid to him by the Fifty-fifth Section of the Principal Act, or any Act amending the same, or any Part of such Contribution or Sum, it shall be lawful for any Justice of the Peace for the County or Place within which such Parish or Township is wholly or in part situate, upon Information and Complaint in Writing, and after Seven Days Notice in Writing to be served upon such Overseers or One of them, by Warrant under his Hand to levy such Contribution or Sum by Distress and Sale of the Goods of the Offender or Offenders, together with all Costs occasioned by the making of such Complaint, Service of such Summons, and the obtaining and executing such Warrant.

Amendment of Law as to Numbers in Polling Booths.

24. The Third Section of the said Act of the Session of the Fifth and Sixth Years of King *William* the Fourth, Chapter 36, shall be repealed, and instead thereof be it enacted, "that the Polling "Booths at each Polling Place shall be so divided and arranged "in Compartments by the Sheriff or other Returning Officer that "not more than Five hundred Electors shall be allotted to poll "in each Compartment."

25. Where

Registration.

Provision when Borough situate partly in one Circuit and partly in another.

25. Where a Borough is situated partly in one Circuit and partly in another the Judge of the Circuit in which the greater Part in Extent of such Borough is situate shall appoint the Revising Barrister for such Borough.

Power of Clerk of Peace in case of Alteration of Boundaries.

26. If, in pursuance of any Act passed during the last or present Session of Parliament, any Alteration is made affecting the Divisions of any County, the Clerk of the Peace of such County or the Revising Barrister shall amend any Copies of Registers, Lists, Claims, or Objections submitted to him in such Manner as to make the same conformable to the Alterations so made by Act of Parliament.

If the Justices of the Peace in any County have by any Order of Session made before such Act was passed divided such County into Polling Districts, and assigned to each District a Polling Place, and named the Polling Places at which the Revising Barristers are to hold their Courts, such Order shall be as valid to all Intents and Purposes as if it had been made after the passing of such Act.

Appointment of Returning Officer for Borough of Thirsk.

27. From and after the passing of this Act a Returning Officer shall be annually appointed for the Borough of *Thirsk* in the Manner provided by the Eleventh Section of the Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-five, in the Case of the Boroughs mentioned in Schedules C. and D. annexed to the said Act, for which no Persons are mentioned in such Schedules as Returning Officers, and the Person so appointed shall perform all the Duties and be entitled to the Remuneration which a Returning Officer is, by the Registration Acts, required to perform and is entitled to in Boroughs where there is no Town Clerk.

Production of Rate Books by Overseers. 6 Vict. c. 18. ss. 34, 35.

28. The Overseers of every Parish or Township shall produce to the Barrister appointed to revise the Lists of Voters of any County, whilst holding his Court for revising the Lists relating to their Parish or Township, all Rates made for the Relief of the Poor of their Parish or Township between the Fifth Day of *January* in the Year then last past and the last Day of *July* in the then present Year; and any Overseer wilfully refusing or neglecting to produce any such Rates shall be deemed wilfully guilty of a Breach of Duty in the Execution of the Principal Act, and be punishable accordingly.

29. The

Registration.

Power of Revising Barrister to summon Overseers, &c. 6 Vict. c. 18. ss. 34, 35.

29. The Barrister appointed to revise the Lists of Voters of any County, whilst holding his Court for revising the Lists relating to a Parish or Township, may require any Overseer or Overseers of a past Year, or other Person having the Custody of any Poor Rate of the then current or any past Year, or any Relieving Officer, to attend before him at any such Court, and they shall attend accordingly and answer all such Questions as may be put to them by the Barrister; and any Overseer or Relieving Officer wilfully refusing or neglecting to comply with the Requirements authorized to be made by the Revising Barrister in pursuance of this Section shall be punishable in the same Manner in which an Overseer wilfully guilty of a Breach of Duty in the Execution of the Principal Act is punishable under the Principal Act.

Application of certain Rating Sections to Counties.

30. The Thirtieth Section of the Act of the Session of the Second Year of King *William* the Fourth, Chapter Forty-five, and the Seventy-fifth Section of the Principal Act, shall apply to all Occupiers of Premises capable of conferring the Franchise for a County under the Representation of the People Act, 1867.

Expenses of Overseers and Relieving Officers.

31. All Expenses properly incurred by an Overseer in pursuance of this Act shall be deemed to be Expenses properly incurred by him in carrying into effect the Provisions of the Principal Act, and any Expense incurred by any Relieving Officer in attending a Revising Barrister in pursuance of this Act (the Amount to be certified by the Revising Barrister) shall be deemed to be Expenses properly incurred by him in the Execution of his Duty as Relieving Officer, and shall be defrayed accordingly.

Certificate of Revising Barrister to be conclusive.

32. The Certificate given to the Overseers by the Revising Barrister under Section Fifty-seven of the Principal Act for the Expenses incurred by them in carrying into effect the Provisions of the Registration Acts shall be final and conclusive; provided nevertheless, that such Certificate shall be signed by the Revising Barrister in open Court, and any Ratepayer present shall have a Right to inspect the Account of Expenses delivered in by the Overseers, and to object to any Item or Items included therein, before such Account is allowed by the Revising Barrister, who shall hear any such Objection and make a Decision respecting the same.

Provision as to Returning Officer in case of Par-

33. Whenever a Borough returning a Member or Members to serve in Parliament becomes a Municipal Borough the Authority of the Person who may for the Time being be acting as Returning Officer shall

shall cease, and the Mayor shall take his place, subject nevertheless to the Repayment to such first-mentioned Returning Officer of any Expenses properly incurred by him in the Execution of the Duties of his Office. liamentary Borough becoming a Municipal Borough.

34. In case the Boundary of any Borough shall have been extended or altered, or any Borough shall have been disfranchised by any Act passed or to be passed in the present Session of Parliament, the Town Clerk or Clerk of the Peace respectively shall forthwith, after the passing of such Act and of this Act, send to the Overseers of every Parish or Township in which any Part of such extended or altered Boundary shall be situate, or which or any Part of which was within any such disfranchised Borough, the Forms of Precepts and Lists required by the Principal Act to be sent to Overseers, with such Modifications therein, if any, as may be necessary to meet the Provisions of any of such Acts. Provision as to Issue of Precepts, &c. in case of altered or disfranchised Boroughs.

35. Where the Boundary of any County or Borough is altered in pursuance of any Act passed during the present Session of Parliament, any Clerk of the Peace, Town Clerk, Returning Officer, or other Officer who would have Jurisdiction in relation to the Registration of Voters, or in relation to the Election of Members to serve in Parliament, within such County or Borough if it had remained unaltered, shall have Jurisdiction over the Area constituting such County or Borough as altered by the said Act. Provision as to Officers in case of altered Boundaries of Counties and Boroughs.

36. Whereas by an Act passed in the present Session of Parliament for the Amendment of the Representation of the People of *Scotland* certain Boroughs in *England* are disfranchised from and after the Close of the present Session of Parliament, and it is desirable to provide with regard to such Boroughs for the Case of a Vacancy in the Representation of any of them during the present Session of Parliament, and with regard to the Counties in which such Boroughs are situated for any Registration of Voters which may be made during the present Session of Parliament: Be it enacted, That in respect of any Vacancy in the Representation of any of such Boroughs, and for the Purposes of any Registration of Voters for such Counties during the present Session of Parliament, such Boroughs shall be deemed to be disfranchised from and after the passing of this Act. Provision with respect to Boroughs disfranchised by Scotch Representation of the People Act.

37. The Clerk of the Peace of every County, and the Town Clerk or other Officer having charge of the Register of every City or Copies of Registers to be trans-

mitted to Secretary of State.

Borough respectively, shall in each and every Year within Twenty-one Days after the First Day of *February* transmit to One of Her Majesty's Principal Secretaries of State a printed Copy of the Register of Voters then in force for such County, City, or Borough.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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Mode of certifying Reformatory Schools.

4. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of *Ireland*, upon Application made to him by the Directors or Managers of any such Institution, to direct One of Her Majesty's Directors of Convict Prisons in *Ireland*, or One of Her Majesty's Inspectors General of Prisons in *Ireland*, who shall be styled Inspector of Reformatory Schools in *Ireland*, or such special Inspector of Reformatories as may be hereafter appointed by the Lord Lieutenant of *Ireland*, who is hereby authorized and empowered to appoint a fit and proper Person to be Inspector of Reformatory Schools in *Ireland*, who shall be styled Inspector of Reformatory Schools in *Ireland*, to examine and report to him upon its Condition and Regulations; and any such Institution as shall appear to the Satisfaction of the said Chief Secretary, and shall be certified under his Hand and Seal to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act: Provided always, that it shall be lawful for any of Her Majesty's Inspectors of Reformatories as aforesaid to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid; and if upon the Report of the Inspector the said Chief Secretary for the Time being shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act; and annual Reports of the Inspector as touching the Reformatory Schools under this Act shall be annually laid before both Houses of Parliament, accompanied by Accounts showing the Receipts and Expenditure of each such School, and the Certificates granted and withdrawn.

When Reformatory School is certified by Lord Lieutenant, Notice to be published in the Dublin Gazette.

5. Whenever the Chief Secretary shall at any Time grant a Certificate under this Act to any Reformatory School, he shall within One Calendar Month cause a Notice thereof to be published in the *Dublin Gazette*, and such Publication shall be a sufficient Evidence of the Fact of such Reformatory School having been certified to justify the Judge or the Justices before whom any such Juvenile Offender shall have been convicted to commit such Juvenile Offender thereto, subject to the Provisions of this Act; and whenever the Chief Secretary shall withdraw the Certificate granted to any Reformatory School, he shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

Power to appoint Assistant to Inspector.

6. The Lord Lieutenant may from Time to Time appoint a fit Person to assist the Inspector of Reformatory Schools, and every Person so appointed shall have such of the Powers and Duties of the Inspector as the Chief Secretary from Time to Time prescribes, but shall act under the Direction of the Inspector.

7. When

Disposal of Inmates on Withdrawal or Resignation of Certificate.

7. When the Withdrawal of the Certificate of a Reformatory School takes effect, the youthful Offenders detained therein shall be, by the Order of the Chief Secretary, either discharged or transferred to some other Certified Reformatory School.

Power to Grand Jury of a County or Council of a Borough to grant Money in aid of Maintenance of Offenders in Reformatory Schools.

8. It shall be lawful for the Grand Jury of any County, County of a City, or County of a Town, if they shall think fit, at any Assizes, and for the Town Councils of the Boroughs of *Dublin*, *Cork*, and *Limerick*, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders which has been or which may hereafter be certified under this Act, supported in whole or in part by voluntary Contributions in such County or Borough respectively, to present a Sum of Money in aid of the Maintenance of such Offenders from such County or Borough respectively, sentenced to or detained in such Reformatory School, to be raised off the said County or Borough, subject to such Conditions as may be agreed upon between such Grand Jury or Council and such Directors, Managers, or Promoters.

No Money to be granted to Schools unless certified by Chief Secretary.

9. Provided that no Money shall be presented or ordered to be raised as aforesaid under this Act in aid of any Reformatory School unless the Institution has been certified by the Chief Secretary as aforesaid, nor shall any Money be paid under any such Presentment or Order in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn.

Grand Jury or Council may contract with the Managers for the Reception of Offenders from their County or Borough.

10. It shall be lawful for the Grand Jury of any County, County of a City, or County of a Town, and for the Council of such Borough as aforesaid, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Grand Jury or Council to enter into an Agreement with the Directors or Managers of any Reformatory School certified as aforesaid for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory School, in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Grand Jury or Council shall present the Payments of the Money which may from Time to Time become payable under such Agreement, without any previous Application to a Presentment Sessions.

Monies granted under this Act, how to be raised.

11. All Monies presented to be raised and paid for the Reception and keeping of such Offenders in such School shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County or by the Council of such Borough as

as aforesaid respectively for defraying the ordinary current Expenditure of their several Gaols.

Juvenile Offenders, how to be dealt with.

12. Whenever after the passing of this Act any Person shall be convicted of any Offence punishable with Penal Servitude or Imprisonment before any Judge of Assize or Judges sitting under a Commission of Oyer and Terminer, or before any Court of Quarter Sessions, or before the Divisional Justices of the *Dublin* Metropolitan Police District, or before any Justice or Justices of the Peace at Petty Sessions, whose Age shall not, in the Opinion of such Judge or Court, exceed the Age of Sixteen Years, then and in every such Case it shall be lawful for the Judge or Court, or the Divisional Justices, or the Justices at Petty Sessions as aforesaid, before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his or her Offence, to direct such Offender to be sent, at the Expiration of such Sentence, to some One of the aforesaid Reformatory Schools the Directors or Managers of which shall be willing to receive such Offender, and to be there detained for a Period not less than Two Years and not exceeding Five Years and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no Offender shall be directed to be so sent and detained as aforesaid unless the Sentence passed as a Punishment for his Offence at the Expiration of which he is directed to be so sent and detained shall be one of Imprisonment for Fourteen Days at the least; and provided also, that no such Offender shall be liable or directed to be sent to any such Reformatory, except to some one Reformatory under the exclusive Management of Persons of the same Religious Persuasion as that professed by the Parents or Guardians of such Juvenile Offender; and in all Cases in which the Religion of the Parents or Guardians of such Juvenile Offender is unknown, the said Juvenile Offender shall be considered as belonging to that Religious Persuasion in which he or she shall appear to have been baptized, or of which he or she shall profess to be a Follower: Provided also, that in case the Court which shall order such Offender to be so sent and detained as aforesaid shall think it right to sentence such Offender to a previous Term of Imprisonment to which such Offender shall have been sentenced as a Punishment for his or her Offence, such Term of Imprisonment shall be directed to be carried out and spent, as far as is practicable, in strict Separation: Provided also, that the Chief Secretary may at any Time order any such Offender to be discharged from any such School: Provided also, that whenever any Order shall be made under this Act by any Divisional Justice, or by any Justices of Petty Sessions, for sending any Juvenile Offender to any Reformatory School, it shall and may be lawful for such Juvenile Offender,

Juvenile Offenders to be sent only to Schools managed by Persons of same Religious Belief as Parents of such Juveniles.

or

or any Parent or Guardian of him or her, to appeal against any such Order, in case same be made by any Divisional Justice, to the Recorder of the City of *Dublin* at his next Sessions, and in case such Order be made by any Justices at Petty Sessions, to the next Quarter Sessions of the Division within which the Petty Sessions at which such Order shall be made shall be situate, but in case there shall not be Fifteen clear Days between the making of the Order and the next Sessions of the said Recorder or the next Quarter Sessions of such Division as aforesaid, then to the next following Sessions of the said Recorder, or the next following Quarter Sessions of such Division as aforesaid; and every such Appellant shall give or cause to be given to the Divisional Justice whose Order is appealed from, or to the Clerk of the Petty Sessions at which the Order appealed from has been made, Notice in Writing of his Intention to appeal at least Seven Days before the Commencement of the Sessions or Quarter Sessions to which such Appeal shall be made; and whenever any such Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the Recorder, or for the said Court of Quarter Sessions, as the Case may be, to entertain the same, and to confirm, reverse, or vary the Order complained of, or to order that such Juvenile Offender shall be sent to some other Reformatory School established under this Act, and such Appeal shall not be dismissed upon any Point of Form.

School to which Offender committed need not be named in the Sentence.

13. It shall not be necessary, at the Time of passing Sentence, for any such Judge or Court to name the particular School to which such Offender is to be sent, but it shall be sufficient for such Judge or Court to direct that such Offender be sent to such School (being a School duly certified under the Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment to which such Offender has been sentenced, be directed by One of the Judges or by the Justices of the Court before whom such Offender shall be so convicted.

Supplemental Orders may be made.

14. Any such Court, having made an Order under the Authority of this Act for sending any Offender to any Reformatory, may make a supplemental Order, if the Court shall so think fit, at any Time thereafter, and before the Expiration of the Term of Imprisonment to which such Offender has been sentenced, exchanging the Name of such Reformatory for the Name of any other Reformatory to which such Offender might in the first instance legally have been sent, provided the Directors or Managers of such Reformatory be willing

willing to receive such Offender, and such Offender shall be sent to such last-mentioned School accordingly.

Expenses of Conveyance how to be paid.

15. The Expense of conveying any Juvenile Offender sentenced under this Act to the Reformatory School to which he has been committed under an original or supplemental Order shall be charged and chargeable upon the County, County of a City, or County of a Town from which he shall have been first removed, and such Expenses shall in the first instance be paid as follows; that is to say, by the Governor of the Prison of such County, County of a City, or County of a Town, when such Expenses shall have been incurred by the Governor or any Officer of any Prison therein respectively having the Custody under Sentence of such Offender, other than a Bridewell, and by the local Inspector of Constabulary when such Expenses shall have been incurred by the Keeper or other Officer of any Bridewell therein respectively having the Custody under Sentence of such Offender; and such Governor and local Inspector respectively shall from Time to Time lay before the Board of Superintendence of the said Prison Accounts duly vouched of the Expenses so incurred; and the said Board shall examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy shall pay the same out of any Funds under their Control, in like Manner as if such Expenses had been incurred for the Removal of Prisoners under the Provisions of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Eighty-five, and the said Act shall extend to and include such Expenses.

Governor of Prison, &c. to send Duplicate or Copy of Warrant of Commitment with Offender to Reformatory.

16. It shall be the Duty of the Governor of any Prison, or the Keeper or other Officer of any Bridewell, having the Custody under Sentence of any Juvenile Offender who is ordered to be sent to any Reformatory, to forward, with such Offender, to such Reformatory an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such Offender has been imprisoned, and if no such Duplicate exists, to forward with such Offender a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the Juvenile Offender named therein, and sent therewith, is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or a Copy to such Prison or Bridewell, and such Memorandum shall be signed by such Governor or Keeper or other Officer aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such Juvenile Offender in such Reformatory.

17. The

What shall be deemed sufficient Evidence as to Identity of Juvenile Offenders.

17. The Production of an original Duplicate of the Warrant of Commitment or a Copy of the Warrant of Commitment of such young Person, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or Bridewell from which such young Person was sent as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent of any Reformatory School, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment and subsequent Detention and Identity of the young Person named in such Warrant.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

18. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of the Chief Secretary of the Lord Lieutenant of *Ireland*, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any Juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate *per* Head as shall be determined by them, or such Portion of such Cost as shall be recommended by the said Chief Secretary.

Absconding or refractory Conduct at Reformatory School, how to be punished.

19. And whereas it is expedient that some Provisions should be made for the Punishment of any Juvenile Offender so directed to be detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Be it enacted, That it shall and may be lawful to and for any Justice of the Peace or Magistrate in Petty Sessions, or Police Magistrate, acting in and for the County, City, Borough, Riding, or Division wherein the said Offender shall actually be or be recaptured at the Time he or she shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding Six Calendar Months, such Period of Imprisonment to be passed, as far as is practicable, in strict Separation; and such Offender shall at the Termination of such Imprisonment be transmitted to the same Reformatory to which he or she was originally sentenced, if the Directors or Managers shall be then willing to receive such Offender, there to complete the full Term of his or her original Sentence.

20. Any

Penalty for harbouring any young Person absconding from a Reformatory School.

20. Any Person who shall directly or indirectly wilfully withdraw any young Person from any such Reformatory School or Institution as aforesaid to which he or she has been so sent, or induce him or her to abscond therefrom, or who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable for any such Offence to a Penalty not exceeding Five Pounds, to be recovered and enforced by summary Conviction in the same Manner, and subject to the same Provisions and Orders, and under the same Powers, as any penal or other Sum may be enforced by summary Conviction under the Petty Sessions, *Ireland*, Act, 1851.

Officers to have Privileges, &c. of Constables.

21. Every Officer of a Certified Reformatory School authorized by the Managers of the School, in Writing under their Hands or the Hand of their Secretary, to take charge of any youthful Offender sentenced to Detention under this Act for the Purpose of conveying him to or from the School, or of bringing him back to the School in case of his Escape or Refusal to return, shall, for such Purpose and while engaged in such Duty, have all such Powers, Authorities, Protection, and Privileges for the Purpose of the Execution of his Duty as a Reformatory Officer as any Constable has while acting within his Jurisdiction.

Power to Treasury to repay Half Cost of Recapture.

22. Whenever the Inspector of Reformatory Schools shall certify under Hand in Writing that in his Opinion the absconding of any young Offender from any Reformatory School was not the Result of Negligence or Want of due Precaution upon the Part of the Manager, Half the Expenses of Recapture shall be paid to the Manager by the Treasury.

Contribution by Parents to the Maintenance of Offenders in a Reformatory School, how to be enforced.

23. In every Case in which any Juvenile Offender shall be sentenced to be detained in a Reformatory School under this Act, the Court by which he or she shall be so sentenced shall direct the proper Officer of the Court to issue his Certificate of the said Sentence, which shall be conclusive Evidence thereof; and in every Case of such Sentence as aforesaid the Parent or Step-Parent of such Offender shall, if of sufficient Ability, be liable to contribute to his or her Support and Maintenance a Sum not exceeding Five Shillings a Week; and it shall be lawful for any Justice or Justices of the Peace sitting at Petty Sessions for the District in which such Parent or Step-Parent shall reside, or for any Divisional Police Magistrate in any City or Borough in which such Parent or Step-Parent shall reside, upon the Complaint of any Person authorized by the

the Chief or Under Secretary of the Lord Lieutenant for *Ireland* to take Proceedings in that Behalf, to summon the Parent or Step-Parent, as the Case may be, and on the Hearing of such Summons, whether the Party summoned shall appear or not, to examine into his or her Ability to contribute to such Offender's Support or Maintenance, and to make an Order upon him or her for such weekly Payment, not exceeding Five Shillings *per* Week, as shall seem reasonable, during the whole or any Part of the Detention of such Juvenile Offender in such Reformatory School, such Payment to be made, at such Times as by such Order may be directed, to the Person so authorized to take Proceedings as aforesaid, or to such Person as such Chief or Under Secretary may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the said Chief or Under Secretary may direct.

Power to remit, reduce, or increase the weekly Payments. Payment not to exceed Five Shillings weekly.

24. The Parent or Step-Parent, or the Person authorized by the Chief or Under Secretary of the Lord Lieutenant of *Ireland* to take Proceedings as aforesaid, may respectively at any Time apply to any Justice or Justices of the Peace sitting at Petty Sessions for the District in which such Parent or Step-Parent resides, or before any Divisional Police Magistrate for any City or Borough in which such Parent or Step-Parent resides or in which such Reformatory is situate, for an Order to diminish the weekly Sum payable by said Parent or Step-Parent under such Order as aforesaid, or to increase it to an Amount not exceeding Five Shillings *per* Week; and the Justices or Stipendiary or Divisional Police Magistrate as aforesaid, on Proof that the said Parent or Step-Parent, or the said Person so authorized to take Proceedings as aforesaid, have given to each other, as the Case may be, not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter and into the then Circumstances and Ability of such Parent or Step-Parent, and may diminish or increase the Amount of the weekly Sum payable by such Parent or Step-Parent as they think fit, or may release him from such Payment altogether, such Order to be without Prejudice to any future Order which on any further Inquiry into the Circumstances and Ability of the said Parent or Step-Parent may appear to be just and reasonable.

Provisions in case of Default in Payment by Parents.

25. In case Default be made for the Space of Fourteen Days in Payment of any Sum of Money which may have become payable by such Parent or Step-Parent under any such Order, such Sum of Money shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices, on Confession of the Defendant or otherwise,

otherwise, or if it shall be returned to the Warrant of Distress, in any such Case that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful to the Justices or Magistrate to whom such Return is made, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding Ten Days, unless the Sum to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Provision for Care of Offenders when discharged from Reformatory Schools.

26. Whereas it is expedient to make further Provision for the due Care and Protection of Juvenile Offenders discharged from Reformatory Schools: It shall be lawful for the Managers of any Reformatory School, previous to making Application for the Discharge of any Juvenile Offender committed to such School, to place such Offender on Trial with some Person to be named in the Licence herein-after mentioned, who shall be willing to receive and take charge of and qualified to provide for and take care of such Offender, and to grant to such Offender a Licence under their Hands, or the Hand of any One of them appointed for that Purpose, to reside with such Person for any Term not exceeding Twelve Months, unless sooner called upon by the said Managers to return to the said School, and to require such Offender to return to the said School at any Time during the same; and any Offender who shall abscond from such Person during such Term, or shall refuse to return to the Reformatory School at the End of such Term or before the End of the Time, when so required, shall be held to have absconded from the School, and shall be liable to the Penalties in that Case made and provided: Provided always, that no such Offender shall be so placed out before the Expiration of One Half of the Term of Detention to which he was originally sentenced.

Power to apprentice Offenders.

27. The Managers of a Certified Reformatory School may, at any Time after an Offender has been placed out on Licence as aforesaid, if he conducted himself well during his Absence from the School, bind him, with his own Consent, Apprentice to any Trade, Calling, or Service, notwithstanding that his Period of Detention has not expired; and every such Binding shall be valid and effectual to all Intents.

Offenders may be removed

28. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of *Ireland*, if he shall think fit to do so, to remove any

any such youthful Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School, and that the same shall only be to some Reformatory under the Management of Persons of the same Religious Profession as that to which he or she might have been originally committed. from one School to another.

29. The following Rules shall be enacted with respect to Evidence under this Act: Rules respecting Evidence under this Act.

(1.) The Production of the *Dublin Gazette*, containing a Notice of the Grant or Withdrawal of a Certificate by the Chief Secretary to or from a Reformatory School, or of the Resignation of any such Certificate, shall be sufficient Evidence of the Fact of the Publication of such Notice, and also of the Fact of a Certificate having been duly granted to or withdrawn from the School named in the Notice, or resigned by the Managers thereof.

(2.) The Grant of a Certificate to a certified School may also be proved by the Production of the Certificate itself, or of a Copy of the same, purporting to be signed by the Inspector of Reformatory Schools.

(3.) The Production of the Warrant or other Document in pursuance of which a youthful Offender is directed to be sent to a Certified Reformatory School, with a Statement endorsed thereon or annexed thereto, purporting to be signed by the Superintendent or other Person in charge of the School, to the Effect that the Offender therein named was duly received into and is at the Date of the signing thereof detained in the School, or has been otherwise dealt with according to Law, shall in all Proceedings relating to such Offender be Evidence of the Identity of and of the due Conviction and Imprisonment of and subsequent Detention of the Offender named in the Warrant or other Document.

(4.) A Copy of the Rules of a Certified Reformatory School, purporting to be signed by the Inspector of Reformatory Schools, shall be Evidence of such Rules in all legal Proceedings whatever.

(5.) A School to which any youthful Offender is directed to be sent in pursuance of this Act shall, until the contrary is proved, be deemed to be a Certified Reformatory School within the Meaning of this Act.

30. Any Notice may be served on the Managers of a Certified Reformatory School by delivering the same personally to any One of them, Service of Notice on Managers Schools.

them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the School, or at the usual or last known Place of Abode of any Manager, or of their Secretary.

Forms.

Use of Forms in Schedule.

31. No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Forms in the Schedule to this Act annexed, or Forms to the like Effect, may be used in the Cases to which they refer, with such Variations as Circumstances require, and when used shall be deemed sufficient.

Repeal of Enactments.

Enactments herein named repealed.

32. There shall be repealed the Enactments herein-after mentioned; that is to say,

21 & 22 Vict. c. 103.

The Act of the Session of the Twenty-first and Twenty-second Years of Her present Majesty, Chapter One hundred and three, intituled *An Act to promote and regulate Reformatory Schools in* Ireland:

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

Application of Act to existing Certified Schools.

33. This Act shall apply to all Reformatory Schools certified under the Act hereby repealed, and to all Offenders sent to any Reformatory School under the Act hereby repealed, in the same Manner in all respects as if such School had been certified and such Offenders had been sent thereto under this Act, with this Qualification, that no youthful Offender shall be detained in any Reformatory School in pursuance of any Order made under the repealed Act for a longer Period than he would have been liable to be detained therein if this Act had not been passed.

SCHEDULE.

FORMS.

(A.)

Conviction.

to wit. } Be it remembered, That on the Day of at in the said [*County*] of *A.B.*, under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, is convicted before us, Two of Her Majesty's Justices of the Peace for the said [*County*], for that [*&c., state Offence in usual Manner*]; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [*Prison*] at in the said [*County*], [*and to be there kept to Hard Labour*] for the Space of :

And that, in pursuance of the Irish Reformatory Schools Act, 1868, we also sentence the said *A.B.* (whose Religious Persuasion appears to us to be) to be sent, at the Expiration of the Term of Imprisonment aforesaid, to Reformatory School at in the County of (the Managers whereof are willing to receive him), [*or* to some Certified Reformatory School to be hereafter, and before the Expiration of the Term of Imprisonment aforesaid, named in this Behalf], and to be there detained for the Period of commencing from and after the Day of [*the Date of the Expiration of the Sentence*].

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(B.)

Order of Detention.

to wit. } To the Constable of , and to the Governor of the [*Prison*] at in the said [*County*] of .

Whereas *A.B.*, late of [*Labourer*], under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, was this Day duly convicted before the undersigned, Two of Her Majesty's Justices of

of the Peace in and for the said [*County*] of , for that [*&c., stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*Prison*] at in the said [*County*], [*and be there kept to Hard Labour*] for the Space of ; and in pursuance of the Irish Reformatory Schools Act, 1868, the said *A.B.* (whose Religious Persuasion appeared to us to be) was thereby sentenced to be sent, at the Expiration of the Term of Imprisonment aforesaid, to the Reformatory School at in the County of (the Managers whereof are willing to receive him therein), [*or* to some Certified Reformatory School to be before the Expiration of the said Term named in that Behalf,] and to be there detained for the Period of commencing from and after the Day of [*the Date of the Expiration of the Sentence*]:

These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely convey to the [*Prison*] at aforesaid, and there to deliver him to the Governor thereof, together with this Precept: And we do hereby command you, the said Governor of the said [*Prison*], to receive the said *A.B.* into your Custody in the said [*Prison*], there to imprison him [*and keep him to Hard Labour*] for the Space of : [And we further command you, the said Governor, to send the said *A.B.* at the Expiration of his Term of Imprisonment aforesaid, as and in the Manner directed by the Irish Reformatory Schools Act, 1868, to the Reformatory School at aforesaid [*or* to the Reformatory School named by an Order endorsed hereon under the Hands and Seals of us, or under the Hand and Seal of One other of Her Majesty's Justices of the Peace for the said *County*, being a Visiting Justice of the said Prison], together with this Order:] And for so doing this shall be your sufficient Warrant.

Given under our Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(C.)

Nomination of School endorsed on the Order of Detention.

In pursuance of The Irish Reformatory Schools Act, 1868, I, the undersigned, One of Her Majesty's Justices of the Peace for the [*County*] of hereby name the

Reformatory

Reformatory School at in the County of as the School to which the within-named *A.B.* (whose Religious Persuasion appears to me to be) is to be sent as within provided [*add where required* in lieu of the School within (*or* above) named].

Given under my Hand and Seal, this Day of at in the County of .

E.F. (L.S.)

(D.)

Complaint for enforcing Contribution from Parent, &c.

to wit. } The Complaint of the Inspector of Reformatory Schools [*or as the Case may be*] made to us, the undersigned, Two of Her Majesty's Justices of the Peace for the said County of , this Day of at in the same County, who says, That one *A.B.* of (*) the Age of Years, or thereabouts, is now detained in the Reformatory School at in the County of , under the Irish Reformatory Schools Act, 1868, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County of , is the Parent [*or* Step-Parent, *&c.*] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son: (*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us, *C.D.*

J.S.

L.M.

(E.)

Summons to Parent, &c.

To *C.B.* of [*Labourer*].

Whereas Information hath this Day been laid [*or* Complaint hath this Day been made] before the undersigned [*One, or as the Case may be*] of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that you [*here state shortly the Matter of the Information or Complaint*]: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said County [*or as the Case may be*] as may then be there to answer to the said Information

mation [*or* Complaint], and to be further dealt with acording to Law.

Given under my [*or* our] Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L.S.)

Warrant where the Summons is disobeyed.

To the [*Head or other*] Constable of , and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*&c., as in the Summons*]: And whereas [*I*] then issued my Summons unto the said *C.B.*, commanding him in Her Majesty's Name to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as might then be there to answer to the said Information [*or* Complaint], and to be further dealt with according to Law: And whereas the said *C.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath now been proved to me on Oath that the said Summons hath been duly served upon the said *C.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *C.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*] to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L.S.)

(F.)

Order on Parent, &c. to contribute a weekly Sum.

to wit. } BE it remembered, That on this Day of at in the said [*County*] of a certain Complaint of the Inspector of Reformatory Schools [*or as the Case may be*], for that one *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (D.) *between the Asterisks* (*) (*)] was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of

of (in the Presence and Hearing of the said *C.B.*, *if so, or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on Consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said Inspector [*or* to an Agent of the said Inspector] the Sum of Shillings per Week from the Date of this Order until the Day of , the same to be paid at the Expiration of each [Fourteen, *or, as the Case may be*, Days].

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(G.)

Distress Warrant for Amount in arrear.

to wit. } To the Constable of , and to all other Peace Officers in the said [*County*] of .

WHEREAS on the Hearing of a Complaint made by the Inspector of Reformatory Schools, [*or as the Case may be,*] that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (D.) *between the Asterisks* (*) (*)], an Order was made on the Day of by us, the undersigned [*or* by *L.M.* and *J.H.*], Two of Her Majesty's Justices of the Peace in and for the said [*County*] of against the said *C.B.*, to pay to the said Inspector [*or as the Case may be*] the Sum of per Week from the Date of the said Order until the Day of , the same to be paid at the Expiration of each [*Twenty-eight*] Days [*or as the Case may be*] (*): And whereas there is due upon the said Order the Sum of , being for [*Three*] Periods of [*Fourteen*] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.B.*, and if within the Space of [*Five*] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, is not paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Petty Sessions for the District of , that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if no such Distress can be found, then that you certify the same to

us, to the end that such Proceedings may be had therein as the Law requires.

Given under our Hands and Seals, this Day of at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(II.)

Commitment in default of Distress.

to wit. } To the Constable of and to the Governor of the [*Prison*] at in the said [*County*] of .

WHEREAS [*&c., as in the Form* (G.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of last, I, the undersigned, together with *L.M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, being for [*Three*] Periods of [*Fourteen*] Days, by Distress and Sale of the Goods and Chattels of the said *C.B.*: And whereas a Return has this Day been made to me the said Justice [*or* the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of], that no sufficient Goods of the said *C.B.* can be found:

These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*Prison*] at aforesaid, and there deliver him to the Governor thereof, together with this Precept: And I do hereby command you, the said Governor of the said [*Prison*], to receive the said *C.D.* into your Custody in the said [*Prison*], there to imprison him for the Term of , unless the said Sum, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said [*Prison*], amounting to the further Sum of , shall be sooner paid unto you the said Governor; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L.S.)

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

***

which the *Curragh* is delineated (in this Act referred to as the deposited Map):

And whereas there are on the *Curragh* divers Closes or Parcels of Land and Buildings held under Grant or Lease or otherwise from the Crown, and divers Roads being public Highways (all which are described in the Second Schedule to this Act); and it is expedient that the same be exempted from the Operation of this Act:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The *Curragh* of *Kildare* Act, 1868.

Interpretation of Terms.

2. In this Act—

The Term "the Secretary of State for War" means such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to intrust with the Seals of the War Department:

The Term "the Lord Lieutenant" means the Lord Lieutenant or other the Chief Governor or Governors of *Ireland* for the Time being:

The Term "Person" includes a Corporation Aggregate or Sole:

The Term "Justice" means a Justice of the Peace acting for the County of *Kildare*, not being interested in the Matter requiring the Cognizance of a Justice:

The Term "Two Justices" means Two Justices assembled and acting together, and includes any resident Magistrate, or any Magistrate or Justice having by Law Authority to act for any Purpose with the Powers of Two Justices.

General Management.

Management of Curragh by Ranger.

3. Subject to the Provisions of this Act, the Care, Management, and Preservation of the *Curragh* shall be vested in the Ranger of the *Curragh* from and after the passing of this Act.

Ranger.

Office of Ranger.

4. The Ranger of the *Curragh* shall be from Time to Time appointed by the Lord Lieutenant, and shall hold Office during the Pleasure of the Lord Lieutenant, and shall have such Powers and perform such Duties in relation to the Management and Preservation

tion of the *Curragh* as the Lord Lieutenant from Time to Time thinks fit to direct, but there shall not be any Salary, Fees, or other pecuniary Remuneration paid to or received by the Ranger.

Office of Deputy Ranger.

5. The Lord Lieutenant shall from Time to Time appoint a fit Person to be Deputy Ranger of the *Curragh*, who shall hold Office by the same Tenure as a Person serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Lord Lieutenant; and the Deputy Ranger shall have such Powers and perform such Duties as the Lord Lieutenant, with the Advice of the Ranger, from Time to Time thinks fit to direct. The Ranger shall also from Time to Time appoint Two Bailiffs to assist the Deputy Ranger in the Discharge of his Duties, and such Bailiffs may be removed at any Time by the Ranger. The Deputy Ranger and Bailiffs shall receive such Salaries respectively as the Commissioners of Her Majesty's Treasury think fit, which, together with any other incidental Expenses incurred in the Execution of this Act, shall be defrayed out of any Money that may be provided by Parliament for the Purpose.

Abolition of Ranger's Fees.

6. The Fees stated in the First Schedule to this Act, Part I., heretofore received by the Ranger for his own Use, shall cease to be paid or demanded.

Three Divisions of Curragh, and their Use.

Division of Curragh into Three Parts.

7. From and after the passing of this Act, the *Curragh* shall, for the Purposes of the User thereof, be deemed to be divided into Three Parts, as follows:

1. A Part lying to the Eastward, coloured Brown on the deposited Map, occupied by or adjoining to the Encampment, which Part is in this Act referred to as the Site of the Camp:
2. A Part lying to the South and South-east of the Site of the Camp, coloured Blue on the deposited Map, used as a Ground for Rifle Practice, which Part is in this Act referred to as the Rifle Ground:
3. The Residue of the *Curragh*, coloured Green on the deposited Map, which Part is in this Act referred to as the Green Lands.

Control of Site of Camp by War Department.

8. The Secretary of State for War shall have the exclusive Use and Control of the Site of the Camp while the same shall be occupied by a Camp, and during such Time all Rights of Common of Pasture, Rights of Way, or other Rights (except the Rights of the Crown)

Crown) in, over, or affecting the Site of the Camp or any Part thereof shall be and the same are hereby suspended until the Site of the Camp shall be freed and discharged from such Rights of Common and other Rights as provided by this Act: provided that nothing herein shall authorize the Secretary of State to erect on the outer Boundary thereof any Wall of Brick or Stone or any other Erection for the Purpose of enclosing the Site of the Camp, or restrict the public Right of Way on, over, and along the Road crossing the Site of the Camp marked on the deposited Map and thereon distinguished by the Letters X, Y, save that the Officer in Command at the Camp may in any Case of Riot or Disturbance of the Peace, existing or apprehended, and on the Request or with the Consent of a Justice in Writing under his Hand, temporarily close that Road or any Part thereof against public Traffic.

Use of Rifle Ground.

9. The Secretary of State for War shall have the Use and Control of the Rifle Ground for Purposes of Rifle and Musketry Practice, and for Instruction in Field Works, with Power to erect and maintain Butts and other necessary or proper Works for such Practice, and to use such Rifle Ground for the Purposes of Drill, Exercise, and Recreation of Her Majesty's Troops, and for the Purposes of temporary Encampment thereon, when required in the Judgment of the Secretary of State.

Use of Green Lands.

10. The Secretary of State for War shall continue to have the Use of the Green Lands, subject to the Provisions herein-after contained, as to a Portion thereof, for Reviews, Drills, and other Military Purposes, and for the Exercise and Recreation of Her Majesty's Troops, and also, with the previous Assent in Writing of the Lord Lieutenant from Time to Time, the Use of a Portion thereof for the Purposes of temporary Encampment thereon in Cases of temporary Emergency.

Powers and Duties of War Department.

Power for War Department to add to Site of Camp.

11. The Secretary of State for War may at any Time and from Time to Time, by Certificate under his Hand with Map annexed deposited with the Clerk of the Peace for the County of *Kildare*, take in and add to the Site of the Camp any Portion of the Green Lands, not exceeding in the whole One hundred Acres, and the Land comprised in any such Certificate shall, from and after the Deposit thereof, be deemed to be Part of the Site of the Camp within the Meaning and for the Purposes of this Act; and every such Certificate shall be in Duplicate, and one Part of it shall be deposited in the Record and Writ Office, *Dublin*, within One Month after the Deposit of the other Part with the Clerk of the Peace.

12. The

Power for War Department to drain Camp.

12. The Secretary of State for War may from Time to Time cause to be made such Sewers and Drains as are necessary for the effectual sewering and draining of the Site of the Camp, and may carry such Sewers and Drains in, under, through, and across any Part of the *Curragh*, doing as little Damage as may be.

Actions and Suits by and against War Department.

13. The Secretary of State for War may bring and may defend any Action, Suit, Prosecution, or Proceeding relative to the Site of the Camp or to the Rifle Ground in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or in respect of any other Matter connected therewith; and in every such Action, Suit, Prosecution, or Proceeding the Secretary of State for War may be so styled, without more; and any such Action, Suit, Prosecution, or Proceeding shall not be affected by any Change in the Person holding the Office of Secretary of State for War; and in any such Action, Suit, Prosecution, or Proceeding the Secretary of State for War shall be liable and entitled to pay or receive Costs according to the ordinary Rules observed in Actions, Suits, Prosecutions, or Proceedings between Subject and Subject; and the same Right of Appeal is hereby given to the Secretary of State for War to which a Party proceeded against is now entitled, and upon the same Terms and Conditions, save as to the Necessity of the Secretary of State for War being required to enter into a Recognizance.

When Site of Camp and Use of Rifle Ground no longer required for Military Purposes, same to become subject to Control of Ranger.

14. Whenever the Secretary of State for War shall no longer require the Use and Occupation of the Camp and the Use and Control of the Rifle Ground, and shall give Notice in Writing to the Under Secretary of the Lord Lieutenant of his Intention to withdraw from the Use and Occupation thereof, then One Month after such Notice the Site of the Camp shall become and be subject to the Power, Authority, and Control of the Ranger of the *Curragh*, acting under the Provisions of this Act.

Power for War Department to dig Gravel.

15. The Secretary of State for War may from Time to Time cause Gravel, Sand, or other Substances to be dug and raised on any Part of the *Curragh*, for the Purposes of the Maintenance and Repair of the Roads on the *Curragh* under his Control, and for other Purposes connected with the Encampment of Her Majesty's Troops on the *Curragh*; provided that no such Power shall be exercised in the Portion described as the Green Lands without the Consent of the Ranger for the Time being.

Diversion of Road from Ballysax to Athgarvan.

16. The Secretary of State for War may, if he thinks fit, make a new Road from the Point where the proposed new Road, shown on the deposited Map and coloured Red, diverges from the Road

thereon shown and coloured Brown, and described as the present Road from *Ballysax* to *Athgarvan*, to the Point where the proposed new Road joins that present Road, as nearly as conveniently may be in the Line of the proposed new Road as shown on the deposited Map, and a Plan and Section of the said Road shall be deposited with the Surveyor for the County of *Kildare* previous to the Construction of same; and on the Completion of the new Road hereby authorized the Secretary of State may permanently stop up against Traffic and lay into the *Curragh* the Site of so much of the said present Road as lies between the Point where the proposed new Road diverges from that present Road and the Point where the proposed new Road joins that present Road; and on the Completion of the proposed new Road (whereof a Certificate under the Hands of Two Justices shall be conclusive Evidence) the same shall be deemed to be to all Intents a public Road in substitution for that Portion of the said present Road which is hereby authorized to be stopped up.

Use of Curragh for Racing Purposes.

17. Subject to the Provisions of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, with the Advice of the Commissioners of Her Majesty's Treasury, to grant and permit the Society known as the *Irish* Turf Club, or, failing the same, any other like Society or Person, for the Purpose of Horse Racing and Training of Horses only, to use that Portion of the Green Lands bounded on the South by the *Limerick* Road, and on the West by a Line drawn from the said *Limerick* Road through the Police Barrack, and terminating at the *Rathbride* Post, and on the North and East by so much of the outer Boundary of the *Curragh* as lies between the Entrance of the said *Limerick* Road on the *Curragh* and the *Rathbride* Post aforesaid, for such Time, at such Rent, and subject to such Conditions as Her Majesty, Her Heirs and Successors, may think proper; and also, with such Advice as aforesaid, by Warrant, under Seal or otherwise, to grant and demise to the said Society or other Person for any Term not exceeding Ninety-nine Years a Part of the said Portion of the Green Lands (not exceeding Ten Acres) for the Purpose of Buildings in connexion with and necessary for such Races, such Grant and Demise to be subject to such Rent and on such Terms and Conditions as may by Her Majesty, Her Heirs and Successors, be thought proper; and when any such Grant or Permission shall have been given, it shall not be lawful for the Secretary of State for War or the Commanding Officer of the Camp or any other Officer to use for Review, Drill, or Exercise of Her Majesty's Troops any Part of that Portion of the said Green Lands herein-before described without the Leave in Writing of the Lord Lieutenant.

Rights

Rights of Common, &c.

18. Subject to the Provisions of this Act, all Rights of Common of Pasture, Rights of Way, and other Rights existing in, over, or affecting the *Curragh* at the passing of this Act shall continue and be as if this Act had not been passed. Continuance of Rights of Common.

The Curragh Commissioners.

19. There shall be Three Commissioners, who shall be called the *Curragh* Commissioners (and to whom the Term "the Commissioners," where used in this Act, refers). Curragh Commissioners constituted.

20. One of the Commissioners shall be a practising Barrister at Law of at least Ten Years standing who at the Time of his Appointment has actually practised Ten Years in Her Majesty's Superior Courts of Law at *Dublin*, and has not retired from Practice. Qualification and Appointment of Commissioners.

That Commissioner and One other of the Commissioners shall be appointed by the Lord Lieutenant. The remaining Commissioner shall be appointed by the Commissioners of Her Majesty's Treasury.

21. Any Vacancy happening by Death, Resignation, or otherwise in the Office of any of the Commissioners (appointed either originally or on a Vacancy) shall be filled up by the Appointment of another qualified Person to be One of the Commissioners by the Authority by whom the vacating Commissioner was appointed. Vacancies among Commissioners.

22. The Three Commissioners shall sit and hear each Case, but the Acts and Decisions of Two of the Commissioners shall be deemed to be Acts and Decisions of the Commissioners. Power of Two Commissioners.

23. The Commissioners shall from Time to Time appoint by Writing a Clerk, who shall hold his Office during their Pleasure. Clerk to Commissioners.

24. Each of the Commissioners and their Clerk shall receive, as Remuneration for his Services, such Sum (not exceeding as to a Commissioner Six hundred Pounds) as the Commissioners of Her Majesty's Treasury think reasonable, and shall be allowed all Expenses properly incurred by him in executing this Act. Remuneration, &c. of Commissioners and Clerk.

25. The Commissioners may from Time to Time employ Land Surveyors and Valuers in such Manner as they think fit. Power to employ Surveyors, &c.

26. The Remuneration of the Commissioners and of their Clerk, and all Expenses allowed to them, and the Expenses of the Employment of Land Surveyors and Valuers, shall be paid and defrayed Expenses of Commissioners to be provided by Parliament.

defrayed under the Direction of the Commissioners of Her Majesty's Treasury out of Money provided by Parliament.

Mode of Publication of Notices by Commissioners.

27. Notices by this Act required to be published by the Commissioners shall be published by Insertion in the *Dublin Gazette*, and in a Newspaper printed or usually circulating in the County of *Kildare*, and by Bills posted in conspicuous Places on or near the *Curragh*.

Signature of Notice, &c.

28. Notices, Summonses, and other Instruments issued by the Commissioners for Service or Delivery shall be under the Hand of their Clerk.

Forms in Third Schedule.

29. The Form given in the Third Schedule to this Act, or a Form to the like Effect, shall be used for the Purpose therein indicated, subject and according to the Directions therein contained, and with such Variations as Circumstances require, and every Instrument made under this Section may be in Writing or Print, or partly in Writing and partly in Print.

Power for Commissioners to make Rules.

30. The Commissioners may, from Time to Time, if they think fit, make and publish such Rules as seem fit (not being inconsistent with the Provisions of this Act) for regulating Proceedings by and before the Commissioners.

Protection of Commissioners.

31. The Commissioners shall have the like Protection and Privileges in respect of any Act done or omitted to be done in execution or intended Execution of their Duties under this Act as Justices of the Peace acting in execution of their Office have by Law.

Penalty for disturbing Commissioners.

32. If any Person wilfully disturbs or obstructs the Commissioners in the Execution of their Duties, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Five Pounds.

Constables, &c. to aid.

33. All Constables, Bailiffs, and other Officers shall give their Aid to the Commissioners in the Execution of their Duties.

Inquiries of Commissioners.

Commissioners to ascertain Rights of Common, &c.

34. The Commissioners shall ascertain and decide the following Things; namely,

What (if any) Rights of Common of Pasture, Rights of Way, or other Rights (except the Rights of the Crown and public Rights of Way) exist in, over, or affecting the *Curragh*, or any Part thereof, either by Grant, Charter, or Prescription:

To

Curragh of Kildare.

To what Persons, and for what Terms, Estates, or Interests, the Rights aforesaid respectively belong:

What (if any) are the Lands in respect of which the Rights aforesaid respectively are exerciseable:

What (if any) Compensation should be given to any Party whose Rights are or may be injuriously affected by this Act.

Commissioners to ascertain public Rights of Way.

35. The Commissioners shall also ascertain and decide what (if any) public Right of Way exists in, over, or affecting the *Curragh*, or any Part thereof.

Proceedings by and before Commissioners.

Commissioners to publish Notice of Act, Time for Claims, &c.

36. The Commissioners shall, within One Month after their Appointment, publish a Notice appointing a Time and Place within and at which all Persons desiring to claim under this Act, on their own respective Behalf, any Right of Common of Pasture, Right of Way, or other Right in, over, or affecting the *Curragh*, or any Part thereof, and all Persons desiring to claim under this Act, on behalf of the Public, any Right of Way or other Right in, over, or affecting the *Curragh* or any Part thereof, are to lodge their respective Claims, the Time not being less than One Month or more than Three Months after the Insertion of the Notice in the *Dublin Gazette*, and the Place being some convenient Place on or near the *Curragh*; and the Commissioners shall hold their Meetings at such Place and at such Times as they may consider most convenient for the Accommodation of Claimants and Suitors, and shall hold such a Number of Meetings in the Neighbourhood of the *Curragh* as shall be sufficient for hearing local Claimants.

Claims to be made within Time fixed.

37. All Persons desiring to claim as aforesaid shall lodge their Claims within and at the Time and Place aforesaid.

Form of Claim.

38. Every Claim shall be signed by the Claimant or his Attorney or Agent authorized in that Behalf.

Power to enlarge Time.

39. A Claim shall not be received after the Expiration of the Time aforesaid, save that the Commissioners, on good Cause shown, may give Leave to any Person to lodge a Claim within such Time after the Expiration of the Time aforesaid as they think fit, but not in any Case after the Expiration of Six Months from the Insertion of the Notice aforesaid in the *Dublin Gazette*.

Claimant under Disability.

40. Where any Person entitled to make a Claim is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, his or her Guardian, Trustee, Committee of the Estate, Husband, or

Attorney (as the Case requires) may in his or her Stead sign, lodge, and prosecute the Claim.

Amendment of Claim.

41. The Commissioners may, if they think fit, from Time to Time authorize or require the Amendment of a Claim.

Hearing of Claims.

42. As soon as conveniently may be after the Expiration of the Time appointed as aforesaid for the lodging of Claims, but not less than One Month thereafter, the Commissioners shall consider the Claims lodged, and hear the Claimants appearing by themselves, their Counsel, Attorneys, or Agents, and take Evidence, and hear any Objector to any Claim appearing by himself, his Counsel, Attorney, or Agent, and being in the Opinion of the Commissioners entitled to be heard (with Power nevertheless to the Commissioners to refuse to hear any Objector unless his Objection is put in Writing, or unless he complies with such other Conditions as the Commissioners think reasonable).

Decision on Claims.

43. The Commissioners shall decide on each Claim, allowing or disallowing the same in whole or in part, and make and sign a Memorandum stating their Decision thereon, a certified Copy whereof shall, if required, be delivered to the Claimant.

Power to send for Persons and Papers.

44. The Commissioners, on the Application of any Claimant, or of any Objector admitted to be heard, shall by Summons require the Attendance before the Commissioners of any Claimant, or of any Person to be examined as a Witness before them, and shall, on the like Application, by Summons require any Claimant or other Person to bring before the Commissioners all Books, Papers, and Writings in his Possession, Custody, or Control relating to any Matter to be inquired into by them.

Person summoned bound to attend.

45. Every Claimant or other Person so summoned shall attend the Commissioners, and answer all Questions touching the Matter to be inquired into, and bring and produce all Papers, Books, and Writings required, according to the Tenour of the Summons; provided that any Person so summoned, other than a Claimant in his own Case, shall not be bound to obey the Summons unless a reasonable Sum is first paid or tendered to him for his Expenses.

Penalty for Non-attendance or refusing to give Evidence.

46. If any Claimant or other Person on whom a Summons of the Commissioners is served, either personally or by Delivery at his last known or usual Place of Abode or Business, fails to appear before the Commissioners at the Time and Place therein specified without reasonable Excuse, or if any Claimant or other Person appearing

appearing before the Commissioners refuses to be sworn or to make Affirmation (as the Case may be), or to make Answer to any Question put to him touching any Matter being inquired into by the Commissioners, or if any Claimant or other Person fails to produce and show to the Commissioners any Book, Paper, or Writing in his Possession, Custody, or Control which the Commissioners require to be produced, every such Claimant or other Person shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds, without Prejudice to any other Remedy against him.

Power for Commissioners to examine on Oath, &c.

47. The Commissioners, or any One of them, may administer an Oath or an Affirmation (where an Affirmation in lieu of an Oath would be admitted in a Court of Justice) to any Claimant or other Person examined before them, and may take the Affidavit or Declaration of any Claimant or other Person.

Penalty for false Evidence.

48. If any Claimant or other Person on Examination on Oath or Affirmation before the Commissioners, or in any Affidavit or Declaration used before the Commissioners, wilfully gives false Evidence, he shall be deemed guilty of Perjury.

Appeal.

Appeal on Points of Law to Court of Common Pleas.

49. If any Claimant or any Objector admitted to be heard (including the Ranger and the Commissioners of Woods and Forests on behalf of the Crown) thinks himself aggrieved by any Decision of the Commissioners as being erroneous in point of Law, he may appeal against the Decision, as follows:

(1.) The Appeal shall be to Her Majesty's Court of Common Pleas in *Dublin:*

(2.) The Appeal shall be by Special Case, stating the Facts and the Grounds of the Decision:

(3.) The Special Case shall be settled by the Commissioners, on the Application of the Appellant made in Writing within Fourteen Days after the Delivery of the Decision, and not afterwards; and if the Appellant is dissatisfied with the Special Case as settled by the Commissioners, he shall be entitled to have it settled by a Judge of the Court of Common Pleas in *Dublin*, on Summons, in Chambers.

Special Case to be signed, &c.

50. A Special Case (except when settled by a Judge in Chambers) shall be signed by the Commissioners, and shall be delivered by them to the Appellant.

51. Before

Curragh of Kildare.

Recognizance by Appellant.

51. Before the Delivery of a Special Case to an Appellant (other than the Ranger and the Commissioners of Woods and Forests) he shall enter into a Recognizance before the Commissioners (with or without Sureties, and in such Sum as to the Commissioners seems fit) conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Appellate Court, and to pay any Costs awarded by that Court.

Transmission of Special Case.

52. On Receipt of a Special Case the Appellant shall, within Fourteen Days, transmit the original Case, by Post or otherwise, to the proper Officer of the Appellate Court.

Hearing and Determination of Appeal.

53. The Appellate Court shall hear and determine the Question or Questions of Law arising on a Special Case, and may thereupon reverse, affirm, or amend the Decision in respect of which the Special Case is stated, or remit the Matter to the Commissioners, with the Opinion of the Appellate Court thereon, or may make such other Order in relation to the Matter, and may make such Order as to Costs, as to the Court seem fit; and all such Orders shall be final and conclusive on all Parties, and shall be adopted and acted on by the Commissioners.

Amendment of Case.

54. The Appellate Court may, if they think fit, before delivering Judgment, cause a Special Case to be amended.

Forfeiture of Appellant's Recognizance.

55. If the Condition of the Recognizance entered into by an Appellant is not complied with, a Justice shall certify on the Back thereof the Fact and Nature of the Non-compliance, and shall transmit the Recognizance to the Clerk of the Peace for the County of *Kildare*, and the same shall be proceeded on in like Manner as a Recognizance forfeited at Quarter Sessions may for the Time being by Law be proceeded on; and the Certificate of the Justice shall be Evidence of the Recognizance having been forfeited.

Award.

Time for Award.

56. The Commissioners shall make their Award (hereafter in this Act referred to as the Award) not later than the Thirty-first Day of *December* One thousand eight hundred and sixty-nine, or such further Time as the Lord Lieutenant in Council shall direct, unless prevented from so doing by the Pendency of any Appeal, and in that Case as soon after that Day as the Determination of the Appeal permits.

Contents of Award.

57. The Award shall state the Substance of every Claim lodged, the Amount of Compensation claimed, if any, and the Commissioners Decision, allowing or disallowing the same in whole or in part.

58. The

Curragh of Kildare.

Setting out of private Ways and stopping up of unnecessary Ways.

58. The Award shall prescribe and shall make Provision for the setting out of specific Ways in respect of Rights of Way (other than public Rights of Way) in, over, or affecting the *Curragh*, or any Part thereof, in such Directions and Lines as the Commissioners determine to be necessary or proper for the Convenience of the Owners and Occupiers of Lands in respect of which those Rights respectively are exerciseable; and all Rights of Way (other than public Rights of Way) in, over, or affecting the *Curragh* shall, after the Award, be exerciseable only in, along, or across the specific Ways in the Award prescribed; and the Award shall prescribe and shall make Provision for the stopping up of all Ways (other than public Ways) in, over, or affecting the *Curragh*, except the specific Ways in the Award prescribed.

Commissioners to ascertain and state in Award Amount of Compensation (if any) to be awarded in respect of Rights of Common, &c.

59. The Commissioners shall inquire into, ascertain, and state in their Award the Amount of Compensation (if any) to which, in their Opinion, any Person shall be entitled in respect of any Right of Common of Pasture, Right of Way, or other Right on, over, or affecting the *Curragh*, or any Part thereof, which is in any way whatsoever injuriously affected, varied, or altered by any of the Provisions of this Act other than those relating to Horse Racing and the Training of Horses, and the Amount of such Compensation (if any) shall be ascertained and stated separately with respect to the Site of the Camp and the Rifle Ground.

Form, Deposit, &c. of Award.

60. The Award shall be in Duplicate, one Part of it shall be presented to the Chief Secretary to the Lord Lieutenant, and the other Part shall be deposited with the Clerk of the Peace for the County of *Kildare*, and the Copy of the said Award shall be published once in each of Three consecutive Weeks next after the making thereof in some Newspaper circulating in the County of *Kildare* and in the *Dublin Gazette*.

Chief Secretary to obtain Confirmation of Award.

61. The Chief Secretary to the Lord Lieutenant shall, as soon as conveniently may be after the Publication of the said Award, take all necessary Steps for the Confirmation of the same by Act of Parliament, but previously to such Confirmation the said Award shall not be of any Validity whatever, and the Act of Parliament confirming the said Award shall be deemed a Public General Act. In case any Petition shall be presented to either House of Parliament against the said Award, or any Part thereof, in the Progress through Parliament of the Bill confirming the same, the Bill may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Pasture.

Regulation of Rights of Pasture over Curragh.

62. Subject to the Provisions of this Act, the *Curragh* may be stocked and depastured in common by the Persons to whom Rights of Common of Pasture in, over, or affecting the same, or any Part thereof, are allowed by the Award, according to their respective Rights so awarded, and subject and according to such Regulations as the Ranger, with the Approval of the Lord Lieutenant, from Time to Time thinks fit to make.

Byelaws for Regulation of Curragh.

Power to make Byelaws.

63. The Lord Lieutenant, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the following Purposes; namely,

For preventing unauthorized Persons from turning out or knowingly permitting Sheep, Pigs, or other Animals to graze or feed or remain on the *Curragh*;

For preventing unauthorized Persons from taking from the *Curragh* any Gravel, Sand, Stone, Earth, Turf, Sods, or other Substance, or digging for the same on or in or otherwise disturbing the Surface or Soil of the *Curragh*;

For prohibiting Persons from placing Heaps of Manure or Rubbish on any Part of the *Curragh*;

For prohibiting or restricting unauthorized Persons from passing over the *Curragh*, or any specified Part thereof, with Vehicles;

For prohibiting Persons from removing from the *Curragh* the Dung of Sheep or other Animals;

For prohibiting Persons from injuring, defacing, or removing Notices put up on the *Curragh*, or the Posts, Railings, Chains, or Fences placed thereon; and

Generally for preventing Encroachments or Trespasses on, or Injuries to, or Nuisances on the *Curragh*, or any unauthorized User thereof, or any Interference with or Obstruction to the authorized User thereof.

Penalties in Byelaws.

64. Any such Byelaws may impose reasonable Penalties for Offences against the same, not exceeding Five Pounds for each Offence, with or without further Penalties for continuing Offences, not exceeding for any continuing Offence Forty Shillings for every Day during which the Offence continues; but all Byelaws shall be so framed as to allow in every Case Part only of the maximum Penalty being ordered to be paid.

65. Penalties

Recovery of Penalties.

65. Penalties under any such Byelaws shall be recovered by summary Proceedings before a Justice or Justices.

Previous Publication of proposed Byelaws.

66. Where the Lord Lieutenant proposes to make any such Byelaws, the Chief Secretary to the Lord Lieutenant shall publish the same by the Insertion thereof as an Advertisement in a Newspaper printed or usually circulating in the County of *Kildare*, and by Notices posted in conspicuous Places on or near the *Curragh;* and the said Chief Secretary shall, during One Month at least after the Publication thereof, afford to all Persons the Opportunity of making, in Writing or otherwise, as in the Advertisement stated, Objections to or Representations respecting the proposed Byelaws, and he shall submit all such Objections and Representations to the Lord Lieutenant for his Consideration, and, if the Lord Lieutenant thinks fit, he may abstain from making or may alter or add to the proposed Byelaws.

Sale of Copies of Byelaws.

67. All Byelaws under this Act shall be printed, and the Ranger shall cause a printed Copy thereof to be delivered to every Person applying for the same at the Place mentioned in that Behalf in the Byelaws, on Payment of such reasonable Price as he from Time to Time directs, and the Commissioners of Her Majesty's Treasury approve, not exceeding Sixpence for each Copy.

Proof of Byelaws.

68. A printed Copy of Byelaws under this Act, purporting to be signed by the Chief Secretary to the Lord Lieutenant, shall be conclusive Evidence of the Existence and due making of those Byelaws, without Proof of the Signature.

Miscellaneous.

Fees to be received by Irish Turf Club.

69. The Fees stated in the First Schedule to this Act, Part II., shall be paid to the Society known as the *Irish* Turf Club, or any Person authorized to collect the same on their Behalf, and the Amount so received shall be expended by the Society in or about the Preservation and Improvement of the Racecourses and Training Grounds on the *Curragh*, and otherwise for the Encouragement of Horse Racing there; and such Receipt and Expenditure shall be from Time to Time accounted for as the Commissioners of Her Majesty's Treasury direct.

Rents of Lands in Schedule.

70. All Rents receivable in respect of the Holdings described in the Second Schedule to this Act, and any other Revenue from Time to Time to accrue to the Crown from the *Curragh*, shall be received and accounted for by such Person and in such Manner as the Commissioners of Her Majesty's Treasury may appoint and direct, and

and be carried to the Consolidated Fund of the United Kingdom in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time direct, and after the Decease of Her Majesty shall be paid to Her Majesty's Heirs and Successors.

Power for County Surveyor to take Gravel.

71. The County Surveyor for the County of *Kildare*, or any Contractor authorized by the County Surveyor for the Time being, may from Time to Time dig up and take Gravel from the Green Lands, at such Places as the Ranger shall approve, without Payment, for the Purposes of the Maintenance and Repair of the County Roads immediately leading to, on, from, or across the *Curragh*, subject to such Byelaws and Regulations as herein-before are authorized to be made.

Custody of Map, Award, &c.

Clerk of Peace to retain Map, Award, &c.

72. The Clerk of the Peace for the County of *Kildare* shall retain the Map deposited for the Purposes of this Act, and the Award, and any other Document deposited with him under this Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom or thereof, in the like Manner, and on the like Terms, and under the like Penalty for Default, as are provided in relation to certain Plans and Sections by an Act passed in the First Year of Her Majesty's Reign, intituled *An Act to compel the Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Copy of a deposited Map to be deposited at the Record and Writ Office.

73. A Duplicate or Copy of the deposited Map shall, as soon as conveniently may be after the passing of this Act, be deposited at the Record and Writ Office, *Dublin*, such Duplicate or Copy being certified to be correct by the Clerk of the Peace for the County of *Kildare*, and the said Duplicate or Copy so deposited, or any certified Copy thereof, shall be admissible as Evidence in all Courts of Justice.

Deputy Ranger to have Power to bring and defend Actions in respect of Green Lands.

74. It shall be lawful for the Deputy Ranger for the Time being in his own Name to bring or defend any Action, Suit, Prosecution, or Proceedings in respect of any Trespass, Injury, Encroachment, or Nuisance on the Green Lands, or any Part thereof, or in respect of any other Matter connected therewith. Any such Action, Suit, Prosecution, or Proceeding shall not be affected by any Change in the Person holding the Office of Deputy Ranger, and the Deputy Ranger shall have the same Right of Appeal as given by this Act to the Secretary of State for War.

Exceptions

Curragh of Kildare.

Exceptions and Savings.

Exemption of Closes and Roads in Second Schedule.

75. Except as in this Act expressly otherwise provided, nothing in this Act shall in any Manner apply to or affect the Closes or Parcels of Land and Buildings or the Roads respectively described in the Second Schedule to this Act, and, except as aforesaid, the same respectively shall to all Intents remain and be as if this Act had not been passed.

Nothing in Act to confer Right, &c.

76. Nothing in this Act shall confer on or confirm to any Person any Estate, Right, or Interest in or over the *Curragh*, or any Part thereof.

Saving for Rights of Crown and Individuals.

77. Save as in this Act expressly provided, nothing in this Act shall take away or prejudicially affect any Estate, Right, or Interest of Her Majesty in right of Her Crown or otherwise, or of any Person, in, to, or over the *Curragh*, or any Part thereof.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

PART I.

Ranger's Fees abolished.

	£	s.	d.
1. For every Horse entered for a Royal or Vice-Regal Plate - - -	1	1	0
2. For every Horse winning a Royal or Vice-Regal Plate - - -	5	5	0

PART II.

Fees to be received by Irish Turf Club.

1. For every Horse trained on the Curragh - - - - -	1	1	0
2. For every Horse winning a Stake above 50*l.* - - -	4	4	0
3. For every Horse winning a Stake of or below 50*l.* - - -	2	2	0
4. For every Horse winning a Royal or Vice-Regal Plate - - -	2	2	0

THE SECOND SCHEDULE.

CLOSES OR PARCELS OF LAND AND BUILDINGS AND ROADS EXEMPTED FROM OPERATION OF ACT.

Closes or Parcels of Land and Buildings.

No. on Map referred to in Act.	Description of Lands and Buildings.	Names of Grantees, Lessees, &c.	Dates of subsisting Grants, Leases, &c.	Particulars of Holdings.
1	The New Stand House.	The Representatives of the late Marquis of Waterford as Trustees for the Irish Turf Club.	21 April 1852 -	Annual Tenancy from 5 April 1852, determinable by Three Months Notice, at Rent of One Shilling per Annum to Crown.
2	Stables, erected on Site of Old Stand House.	The Most Honourable Nathaniel Francis Nathaniel Marquis of Conyngham, as a Trustee for the Irish Turf Club.	24 March 1864 -	Annual Tenancy from 25 March 1864, determinable by Three Months Notice, at Rent of 1*l.* per Annum to Crown.
3	Police Barrack -	Arthur Beresford Cane, Receiver of the Constabulary Force in Ireland.	31 December 1860	Lease for 99 Years from 25 December 1845, at Rent of 14*l.* per Annum to Crown.
4	Two Cottages -	William Quinn and B. McDonough.	29 February 1856 30 June 1864.	Weekly Tenancies at Rent of Two Shillings and Sixpence per Week for each Cottage to Crown.
5	Land, with Stables thereon.	Patrick Connolly -	3 June 1863 -	Lease for 31 Years from 25 March 1860, at Rent of 1*l.* per Annum ot Crown.

Curragh of Kildare.

No. on Map referred to in Act.	Description of Lands and Buildings.	Names of Grantees, Lessees, &c.	Dates of subsisting Grants, Leases, &c.	Particulars of Holdings.
6	Police Barrack -	The Secretary of State for War.	13 January 1859	Erected under Authority from Secretary of State for War.
7	The Hare Park or Covert of Rathbride. (8A. 1R. 30P.)	Henry Baron de Robeck on behalf of the Kildare Hunt Club.	28 February 1866	Lease for 21 Years from 29 September 1856, determinable at End of first 7 or 14 Years at Rent of 1*l.* per Annum to Crown.
8	Land near the Race Stand.	William Taylor, Secretary to the Great Southern and Western Railway Company.	20 March 1863 -	Annual Tenancy from 29 September 1862 at Rent of One Shilling per Annum to Crown.
9	The Camp Inn -	Mrs. Hilton - -	29 January 1857	Weekly Tenancy at Rent of Two Shillings and Sixpence per Week to Crown.
10	Cottage - -	Patrick Fahy -	- - -	Residence for One of the Constables employed on behalf of Crown in Protection of Curragh.
11	Land at Strawhall.	Mr. Davies - -	18 November 1856	Sold by Commissioner of Woods to Mr. Davies.
12	Police Barrack and Garden.	Sub-Inspector of Police at Lumville.	5 October 1861 -	Barrack erected under Authority from Secretary of State for War. For Garden Rent of 1*l.* per Annum payable to Crown.
13	Land with a Chapel erected thereon. (About 1A.)	The Reverend John Frayer Matthews and others as Trustees for the Society of People called Methodists.	4 January 1861	Lease for 99 Years from 29 September 1860, at Rent of 1*l.* per Annum to Crown.
"	" " (About 1A.)	The same - -	16 October 1862	Lease for 31 Years from 25 March 1862, at Rent of 1*l.* per Annum to Crown.
14	Constabulary Court House.	The Secretary of State for War.	13 January 1859	See No. 6 above.
15	Part of the Line of the Great Southern and Western Railway. (18A. 3R. 12P.)	The Great Southern and Western Railway Company.	16 December 1863	Conveyed by Commissioner of Woods to the Railway Company in consideration of Payment by them to Crown of 435*l.* 13*s.* 7*d.*
16	Land near Lumville.	Late in the Occupation of Ponsonby Moore.	- - -	Lease granted by Commissioner of Woods to Mr. Ponsonby Moore 25 August 1859, but surrendered 31 July 1865; Reletting not yet made.

Roads.

All Roads or Parts of Roads at the passing of this Act maintained and repaired by or at the Expense of the County of Kildare, and such Portions of the Green Lands as are now set apart or appropriated for Burial or Drainage Purposes.

THE

THE THIRD SCHEDULE.

Claim.

THE CURRAGH OF KILDARE ACT, 1868.

The Claim of *A.B.* under the above-mentioned Act.

Name of Claimant - -	
Description of Claimant -	
Address of Claimant at which all Notices to Claimant respecting this Claim may be delivered.	
Name of Agent for Claimant, and Address of that Agent, at which all Notices to Claimant respecting this Claim may be delivered.*	
Nature, Extent, and other Particulars of Claim.	
Situation and Quantity of Lands in respect of which Claim is made.	
Nature, Extent, and other Particulars of Claimant's Estate or Interest in those Lands.	

Dated this Day of .

(Signed) *A.B.*
[*or C.D.*, Attorney *or* Agent for the above-named *A.B.*]

Witness
X.Y.

* This Part of the Form to be filled up only when the Claimant desires to appoint an Agent.

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CAP. LXI.

An Act for removing Doubts as to the Validity of certain Marriages between *British* Subjects in *China* and elsewhere, and for amending the Law relating to the Marriage of *British* Subjects in Foreign Countries. [16th *July* 1868.]

WHEREAS by an Act of the Session of the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, intituled *An Act for facilitating the Marriage of* British *Subjects resident in Foreign Countries*, Provision is made for the Solemnization of Marriages in Foreign Countries, or Places where there may be a *British* Consul duly authorized in that Behalf, between Persons, both or one of whom is or are a *British* Subject or *British* Subjects, and it is thereby enacted, that every *British* Consul General and Consul appointed or to be appointed to reside in any Foreign Country or Place who shall be directed or authorized in Writing under the Hand of One of Her Majesty's Principal Secretaries of State to solemnize and register Marriages, and any Persons duly authorized to act in the Absence of such Consul, shall, in the Country or Place in which he is so appointed to reside, or in which he is directed or authorized to

 solemnize

solemnize or register Marriages as aforesaid, be a Consul duly authorized for all the Purposes of the said Act:

And whereas Marriages have been from Time to Time solemnized at certain Places in *China* and elsewhere between Persons, being both or one of them Subjects or a Subject of this Realm, by Persons acting temporarily as Consuls in such Places:

And whereas Doubts are entertained as to the Validity of the said Marriages, owing to a Question having arisen whether the Persons by whom the same were solemnized were duly authorized in that Behalf, and it is expedient to remove such Doubts as to the said Marriages, and as to any Marriages which may be celebrated in like Manner after the passing of this Act:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Consular Marriage Act, 1868."

Certain past Marriages herein specified confirmed.

2. All Marriages solemnized before the passing of this Act (both or one of the Parties thereto being Subjects or a Subject of this Realm) by or in the Presence of any Person acting or purporting to act in the Place of a *British* Consul, such Consul being duly authorized to solemnize and register Marriages according to the Provisions of the said recited Act, shall be as valid in Law as if the same had been solemnized by or in the Presence of such *British* Consul.

Acting Consuls to have Power to solemnize Marriages.

3. From and after the passing of this Act, every Person acting or legally authorized to act in the Place of a *British* Consul, such Consul being duly authorized to solemnize and register Marriages between Persons (both or one of them being a Subject or Subjects of this Realm), shall be deemed to be a *British* Consul duly authorized for all the Purposes of the said recited Act.

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CAP. LXII.

An Act to extend the Provisions of "The Renewable Leasehold Conversion (*Ireland*) Act" to certain Leasehold Tenures in *Ireland*.

[16th *July* 1868.]

WHEREAS an Act was passed by the Parliament of *Ireland* holden in the Twenty-first and Twenty-second Years of the Reign of His Majesty King *George* the Third, intituled *An Act to enable the Governors of any of the Schools founded in this Kingdom to make long Leases of such Lands as have been granted for the Support of the said Schools, and are situate in Counties of Cities and Counties of Towns:* 21 & 22 G. 3. (I.)

And whereas another Act was passed by the Parliament of *Ireland* holden in the Twenty-fifth Year of the Reign of His Majesty King *George* the Third, to alter and amend the said first-recited Act: 25 G. 3. (I.)

And whereas by the said last-recited Act it was, amongst other things, enacted, that every Tenant, or the Executors, Administrators, or Assigns of every Tenant, to whom a Lease had been or should be granted pursuant to the Powers and Provisions in the said first-recited Act contained, and who should apply for a Renewal of such Lease within the Time and subject to the Conditions in the said

Act now in recital mentioned, should be entitled to such Renewal for the Term of Forty-one Years:

And whereas under the Provisions of the said Acts Leases of Parts of the said Lands, and Renewals of the same, have from Time to Time been made for Terms of Forty-one Years by the Governors of certain of the said Schools:

And whereas Doubts have arisen as to whether the Provisions of "The Renewable Leasehold Conversion Act" are applicable to such Leasehold Tenures:

And whereas the same Governors have also, under certain other Powers them in that Behalf enabling, made Leases of other Parts of the said Lands for Terms of Twenty-one Years, and have generally made Renewals of such Leases to the Persons who were entitled to such Leasehold Premises immediately before the Expiration of the Term for which the same were made:

And whereas it is expedient to extend the Provisions of the "Renewable Leasehold Conversion Act" to such Leasehold Tenures:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Owner of Lease may require Fee-farm Grant.

1. Where any Lands situate in any County of a City or County of a Town in *Ireland* are or may be held under any Lease made by Governors of Schools in virtue of the Provisions of the recited Acts for a Term of Forty-one Years, and which Lease has or shall have been actually renewed within the Period of Seven Years next preceding the Time of such Application as herein-after mentioned, the Owner of such Lease may, at any Time within Seven Years from the last Renewal of such Lease, make Application in Writing to the said Governors requiring them to execute a Grant according to the Provisions of this Act; and the said Governors, upon being so required as aforesaid, shall execute a Grant to the Owner of such Lease of an Estate of Inheritance in Fee Simple in such Lands, subject to a perpetual yearly Fee-farm Rent, to be ascertained in like Manner as a Fee-farm Rent under the Renewable Leasehold Conversion Act, to be charged upon such Lands, and to be payable on the same Days and Times as the yearly Rent made payable by such Lease, and subject to the like Covenants and Conditions for the securing the Payment of the said Fee-farm Rent as are contained in such Lease with respect to the Rent thereby reserved, and with and subject to such other Covenants, Conditions, Exceptions, and Reservations (save Covenants to grant, accept, and take a Renewal of such Lease, if there be any such,) as are contained in such Lease and then subsisting; and all the Provisions of the Renewable Leasehold

Leasehold Conversion Act, so far as the same may be applicable, are hereby incorporated with this Section; and such Fee-farm Grant so to be executed shall operate and take effect in like Manner, and with the like Incidents and Consequences to all Intents and Purposes, as if the same were a Fee-farm Grant in Conversion of a Lease in Perpetuity within the Meaning of the said last-mentioned Act, and made under the Provisions thereof.

Governors may make Fee-farm Grant in certain Cases.

2. Where any Lands situate in any County of a City or County of a Town in *Ireland* are or may be held by any Person under any Lease made by Governors of Schools as aforesaid for a Term of Twenty-one Years, it shall be lawful for the said Governors at any Time before the Expiration of the said Term, if they so think fit, to make to such Tenant a Lease or Demise in Fee of all or any of such Lands, subject to a perpetual yearly Fee-farm Rent of such Amount as herein-after mentioned to be charged upon such Lands, and to be payable on the same Days and Times as the yearly Rent made payable by such Terminable Lease, and subject to the like Covenants and Conditions for the securing the Payment of the said Fee-farm Rent as are contained in such Terminable Lease with respect to the Rent thereby reserved, and with and subject to such other Covenants, Conditions, Exceptions, and Reservations as are contained in such Terminable Lease and then subsisting: Provided always, that for the making of such Lease or Demise in Fee no Fine, Foregift, Premium, or Consideration in Money or otherwise shall be given or promised to the said Governors.

Amount of Fee-farm Rent.

3. The Fee-farm Rent to be reserved in every Lease or Demise in Fee made under the Provisions of the Second Section of this Act shall be "the Rent reserved by such Terminable Lease for Twenty-"one Years, if the Governors shall think fit to adopt the same, or" the Rent at which One Year with another the Lands so to be demised might in their actual State be reasonably expected to be let from Year to Year for agricultural Purposes; and such Rent shall be ascertained and fixed by Two Arbitrators, one to be nominated and appointed in Writing by the said Governors, the other by the Owner of the said Terminable Lease, or, in case such Arbitrators differ, by an Umpire to be nominated and appointed in manner herein-after provided, to whom such Matters shall be referred; and in estimating the Amount of such Rent the said Arbitrators or Umpire (as the Case may be) shall not take into account any Increase in the Value of the said Lands arising from any Houses or Buildings erected thereon by the Owner of such Terminable Lease, or by the Person or Persons through, under, or from whom he shall have derived his Interest in the same.

4. The

Prices of certain Commodities to regulate the future Variation of Rent.

4. The said Arbitrators or Umpire (as the Case may be) shall also, at the Time of so ascertaining and fixing the Amount of the Rent to be reserved by such Lease in Fee as last aforesaid, ascertain and determine the average Prices of the several Commodities of Oats, Wheat, Mutton, Beef, and Butter respectively for the Seven Years ending with the First Day of *May* then last preceding, and such average Prices so ascertained shall be set forth in such Lease; and for the Purpose of any future Revision or Recertainment of the Fee-farm Rent for the Time being payable under such Lease, the said Five several Commodities, and the average Prices thereof respectively so ascertained, shall be and be taken as the Standard Commodities and Prices for regulating all future Variations of the said Rent, and each of the said Commodities shall for that Purpose represent and regulate the following Proportions or component Parts of the said Rent; that is to say, Oats, Five Elevenths; Wheat, One Eleventh; Mutton, One Eleventh; Beef, Two Elevenths; and Butter, Two Elevenths, respectively, of the said Rent.

How Rent to be revised and varied.

5. It shall be lawful for the said Governors, or for such Lessee in Fee as last aforesaid, his Heirs or Assigns, if they or he respectively shall so think fit, at any Time within Six Calendar Months next after the Expiration of Twenty-one Years computed from the First Day of *May* next preceding the Execution of such Lease in Fee, by Notice in Writing duly served on the other of them, to require that the Rent payable under the said Lease shall be revised according to the Provisions of this Act, and thereupon the average Prices of the Five several Commodities aforesaid respectively for the Seven Years ending with the First Day of *May* then last preceding shall be ascertained and determined by Two Arbitrators, One to be appointed by each Party, or, in case such Arbitrators differ, by an Umpire to be appointed as herein-after provided; and the Amount of such Rent shall be increased or diminished in such Manner and to such Extent as that each component Part (according to the Proportions herein-before mentioned) of such new or revised Rent shall bear the like Proportion to the same component Part of the original or previous Rent as the ascertained average Price for the then last Seven Years so ending as aforesaid of the Commodity representing and regulating such component Part of such Rent shall bear to the Standard Price of the same Commodity so ascertained before the Execution of such Lease, and set forth therein as herein-before directed; and so in like Manner after each successive Period of Twenty-one Years, or after any of such successive Periods, although there may have been no such Revision made or required after any of the like preceding Periods, the Rent for the Time being payable under any such Lease shall, if so required by either Party, by Notice in

in Writing duly served within Six Calendar Months after the Expiration of such Period, be revised and readjusted in like Manner; and on the Occasion of every such Revision and Variation of the said Rent an Endorsement shall be made upon the Lease and Counterpart thereof respectively, stating the Amount of the new or revised Rent to be thenceforth payable under the said Lease, which Endorsement as so made upon the said Lease shall be executed by the Governors under their Common Seal, and as made on the said Counterpart shall be executed by the Lessee, his Heirs or Assigns, under his or their Hand and Seal or Hands and Seals; and every such new or revised Rent shall be paid to and received by the said Governors as from the First Day of *May* next before the Service of the said Notice requiring such Revision of the Rent, and thenceforward until some further Revision and Variation thereof (if any) shall be required and made as aforesaid; and in respect of every such new or revised Rent the said Governors shall have all the same Rights and Remedies (including Ejectment for Nonpayment thereof) as by the Renewal Leasehold Conversion Act is provided, or as they would have had in respect of the original Rent reserved by such Lease in case the same had not been varied as aforesaid: Provided always, that all the Costs, Charges, and Expenses of or incident to every such Revision of Rent, and the Notice requiring the same respectively, shall be borne by the Party serving such Notice and requiring such Revision; and provided also, that if upon any such Revision the Difference of Prices so ascertained as aforesaid shall not be such as to cause an Increase or Diminution equal to at least One Tenth Part of the Rent for the Time being payable under such Lease, then and in every such Case no Variation shall then be made in the said Rent.

Costs of Revision.

No Variation less than One Tenth.

6. If in any Arbitration for any of the Purposes herein-before mentioned any Arbitrator appointed by either Party shall die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place, and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte*.

Vacancy in Office of Arbitrator to be supplied.

7. The said Arbitrators shall, before they enter upon Matters referred to them, nominate and appoint, by Writing under their Hands, an Umpire to decide upon any Matters upon which they shall differ, and if such Umpire shall die, or refuse or become incapable to act, they shall forthwith, after such Death, Refusal, or Incapacity, appoint another Umpire in his Place, and the Decision of

Appointment of Umpire.

of every such Umpire on the Matters so referred to him shall be final; and if the said Arbitrators do not appoint such Umpire in manner aforesaid, then all Matters upon which they shall differ shall be decided in like Manner by an Umpire to be appointed by the Commissioners of Valuation in *Ireland* for the Time being.

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or more of the said Commissioners as shall act in the United Kingdom shall have such Powers, Rights, and Privileges as are herein-after given to him and them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for the Commissioners to act in United Kingdom.

1. The Commissioners for the Time being appointed under the said Act, or any One or more of them, may act in the United Kingdom for the Purposes for which the said Commissioners were by the said Act so as aforesaid appointed to act in *India*.

Commissioners to have Powers in the United Kingdom.

2. Such One or more of the said Commissioners as shall act in the United Kingdom shall have all such Powers, Rights, and Privileges as are vested in any of Her Majesty's Superior Courts, or in any Judge thereof, on the Occasion of any Action or Suit in respect of the following Matters:

1. The enforcing the Attendance of Witnesses and examining them on Oath, Affirmation, or otherwise, as he or they may think fit:
2. The compelling the Production of Documents:
3. The punishing Persons guilty of Contempt:

And a Summons under the Hand or Hands of the Commissioner or Commissioners acting in the United Kingdom may be substituted for and shall be equivalent to any Form of Process capable of being issued at Law in any Action or Suit for enforcing the Attendance of Witnesses or compelling the Production of Documents.

Any Warrant of Committal to Prison issued for the Purpose of enforcing the Powers conferred by this Section shall be under the Hand or Hands of the Commissioner or Commissioners acting in the United Kingdom, and shall specify the Prison to which the Offender is to be committed, and shall not authorize the Imprisonment of any Offender for a Period exceeding Three Calendar Months.

Every Inquiry under this Act shall be conducted in public, and due Notice shall be given of the Time and Place of holding the same, but with Power to the Commissioner or Commissioners acting in the United Kingdom to adjourn any Meeting as Occasion may require.

Indemnity to Witnesses.

3. Any Person examined as a Witness in an Inquiry under this Act, who in the Opinion of the Commissioner or Commissioners acting in the United Kingdom makes a full and true Disclosure touching all the Matters in respect of which he is examined, shall receive a Certificate under the Hand or Hands of such Commissioner or Commissioners, stating that the Witness has upon his Examination

tion made a full and true Disclosure as aforesaid; and if any Criminal Proceeding be at any Time thereafter instituted against such Witness in respect of any Matter touching which he has been so examined, the Tribunal before which such Proceeding is instituted shall, on the Production and Proof of the Certificate, stay the Proceeding.

Provided that no Evidence taken under this Act shall be admissible against any Person in any Criminal Proceeding whatever, except in the Case of a Witness who may be accused of having given false Evidence before such Commissioner or Commissioners. And no Person shall be excused from answering any Question put to him by such Commissioner or Commissioners on the Ground of any Privilege, or on the Ground that the Answer to such Question will tend to criminate such Person.

Penalty for false Swearing, &c.

4. Every Person who upon Examination upon Oath or Affirmation in any Inquiry under this Act wilfully gives false Evidence shall be liable to the Penalties of Perjury.

Expenses of Witnesses.

5. The reasonable Expenses incurred by any Person who may be summoned to give Evidence in any Inquiry under this Act according to a Scale to be approved by the Secretary of State in Council of *India* may be allowed to such Person by a Certificate under the Hand or Hands of the Commissioner or Commissioners acting in the United Kingdom, and shall be paid by the Secretary of State in Council of *India* out of the Revenues of *India*.

Protection to the Commissioners.

6. The Commissioner or Commissioners acting in the United Kingdom shall have such and the like Protection and Privileges in case of any Action brought against him or them for any Act done or omitted to be done in the Execution of his or their Duty as is now by Law given by any Act or Acts now or hereafter to be in force to Justices acting in execution of their Office.

Limitation of Actions.

7. No Action shall be brought against the Commissioners acting under this Act, or any of them, or any other Person whomsoever, for anything done in the Execution of their or his Duty under this Act, unless such Action be brought within Three Calendar Months next after the doing of such Thing.

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CAP. LXIV.

An Act to improve the System of Registration of Writs relating to Heritable Property in *Scotland*.

[31st *July* 1868.]

WHEREAS it is expedient to amend the System of Registration of Writs relating to Lands and Heritages in *Scotland*, to lessen the Number of Registers, and to facilitate Searches thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Land Registers (*Scotland*) Act, 1868."

Interpretation of Terms.

2. The Term "Register of Sasines," as used in this Act, shall be held as applying to the Registers directed to be kept by the Act 1617, c. 16., for the Registration of Sasines, Reversions, and other Writs directed to be recorded therein by that Act or by any subsequent Act of Parliament; and the Word "Writ," as used in this Act, shall apply to and include all Deeds and Writings which have heretofore been in the Practice of being recorded in these Registers,

 or

or which may under the Provisions of this Act be recorded in the General Register of Sasines.

In General Register of Sasines, Writs of each County to be kept separate.

3. The General Register of Sasines for *Scotland* shall be so kept that the Writs applicable to each County shall be entered in a separate Series of Presentment Books, and the Writs shall be minuted in a separate Series of Minute Books, and engrossed in a separate Series of Register Volumes, in the Order of Presentment, and where any Writ shall contain Land in more than One County such Writ shall be entered by the Ingiver in the Presentment Book of such of these Counties as may be specified in the Warrant of Registration herein-after provided for, and shall be minuted in the Minute Book of such of these Counties or County as are specified in said Warrant, and shall be engrossed at Length in the Division of the Register applicable to One only of the said Counties; and a Memorandum shall be entered in each Division of the Register applicable to the other Counties or County in the Presentment Book of which it is entered as aforesaid, setting forth the Volume of the Register and the Folio or Folios of such Volume in which such Engrossment is made; and such Memorandum shall be deemed to be equivalent to full Engrossment of such Writ in the Division of the Register wherein such Memorandum shall be entered as aforesaid: For the Purposes of this Act, the Barony and Regality of *Glasgow*, and also the Stewartry of *Kirkcudbright*, shall each be treated as a County.

All Writs shall have a Warrant of Registration endorsed thereon, specifying County or Counties in which Lands lie.

4. All Writs which may be recorded in the General Register of Sasines in Terms of this Act shall, previous to being presented for Registration, have a Warrant endorsed or written thereon in or as nearly as may be in the Form of Schedule (A.) No. 1. hereto annexed, specifying the Person or Persons on whose Behalf the Writ is so presented, and the County or Counties in which the Lands to which such Writ has reference are situated, and signed by such Person or Persons, or his or their Agent or Agents; and the Form of Warrant of Registration hereby prescribed shall supersede and be used in place of the Form of Warrant of Registration as given in Schedule (A.) No. 1. annexed to "The Titles to Land (*Scotland*) Act, 1858." And in the Case of an Assignation of an unrecorded Conveyance in virtue of the Provisions of the Thirteenth Section of the said "Titles to Land (*Scotland*) Act, 1858," the Warrant of Registration to be employed shall be in or as nearly as may be in the Form of Schedule (A.) No. 2. hereto annexed; and that Form of Warrant of Registration shall supersede and be used in place of the Form of such Warrant given in Schedule (A.) No. 2. annexed to the said "Titles to Land (*Scotland*) Act, 1858." And Warrants of Registration may be signed either by an individual Agent, or by the Subscription of any

any Firm of which such Agent may be a Partner. And the Form of Warrants of Registration hereby prescribed shall have the same legal Force and Effect as is conferred on the Forms of Warrants of Registration annexed to the said "Titles to Land (*Scotland*) Act, 1858," with reference to the Conveyances for which such Warrants are prescribed by the said last-mentioned Act.

Competent to record Writs in other County or Counties to which they refer by new Warrant.

5. Provided always, That where any Writ containing Lands or Heritages in more than One County shall not have had a Warrant of Registration endorsed or written thereon applicable to all the Counties to which it applies, the Registration of such Writ shall, notwithstanding, as regards the County or Counties mentioned in the Warrant, and in the Minute Books and Register Volumes of which County or Counties it has been recorded, or a Memorandum thereof entered, be effectual; and it shall be competent afterwards to present such Writ by a new Warrant of Registration thereon, and to minute and register such Writ in the Register of any other County or Counties to which such Writ applies in Terms of such new Warrant; and in the Case of such subsequent Registration it shall not be necessary to engross the Writ at Length in the Division of the Register applicable to such County or Counties, but the same may be effected by the Insertion of a Memorandum in such Division of the Register in the Manner herein-before provided for, and such subsequent Registration shall be effectual as regards the County or Counties to which such Writ applies, and to which such new Warrant is applicable, of and from the Date of such subsequent Registration.

Provision for Writs transmitted by Post to General Register of Sasines.

6. Where any Writ shall be transmitted by Post for Registration in the General Register of Sasines the Keeper of said Register shall, upon the Receipt of such Writ, cause the same to be acknowledged to the Sender, and to be presented in Terms of the Warrant of Registration thereon by a Clerk in his Office to be appointed by him for that Purpose, and who shall be held as the Ingiver of the Writ; and such Clerk shall attach to his Signature in the Presentment Book the Words "transmitted by," and thereafter the Name of the Sender; and such Writ shall be recorded in the same Manner as any other Writ presented for Registration; and on the Writ being ready for Delivery Intimation to that Effect shall be made by Post to the Sender, accompanied by a Note of Fees, and on Receipt of the Fees and Postage, and a Request to that Effect, the Keeper shall transmit the Writs to the Sender by Post; and where Two or more Writs transmitted by Post shall be received by the Keeper at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and Hour, and such Writs shall be deemed and taken to be presented and registered contemporaneously.

7. Regis-

Registration how to be made, &c.

7. Registration of Writs in the General Register of Sasines shall, except in so far as altered by the Provisions of this Act, continue to be made in conformity with the Practice heretofore in use; and no Error or Omission in any Presentment Book of the General Register of Sasines to be kept as aforesaid shall invalidate, or in any way affect injuriously, the Registration of any Writ recorded in said Register.

Particular Registers of Sasines abolished.

8. The whole Particular Registers of Sasines in *Scotland* shall be discontinued not later than the Thirty-first Day of *December* One thousand eight hundred and seventy-one; and it shall be competent to the Lord Clerk Register of *Scotland*, from Time to Time prior to the said Date, upon the Application of the Keeper of the General Register of Sasines, to order the Discontinuance of any Particular Register of Sasines, and the Lord Clerk Register shall cause such Order, signed by him, to be recorded in the General Register of Sasines, and a Copy of such Order, also signed by him, to be transmitted to the Keeper of the Particular Register of Sasines to which it applies, and shall cause such Order to be advertised in the *Edinburgh Gazette*, and in any Newspaper or Newspapers he may deem proper; and such Order shall specify the Day, not being less than One Calendar Month after the Date of such Publication in the *Edinburgh Gazette*, from and after which such Particular Register is to be discontinued; and after the Date so to be specified in any such Order as regards the Particular Register to which such Order shall apply, and after the said Thirty-first Day of *December* One thousand eight hundred and seventy-one as regards all other Particular Registers, it shall not be competent to present, or for the Keeper of the said Particular Register to receive, any Writ for Registration therein; and all Writs which, previous to the Discontinuance of the said Particular Registers respectively, might competently have been presented for Registration therein, shall after said Discontinuance be registrable only in the General Register of Sasines; and Registration in the General Register of Sasines as herein-before directed to be kept for separate Counties shall have all the Force and Effect previously attached to Registration in such Particular Registers of Sasines respectively.

Printed Abridgments, &c., and Indexes, to be prepared contemporaneously with Record.

9. Printed Abridgments and printed Indexes, both of Persons and of Places, applicable to each County in *Scotland*, in the Form heretofore in use in the General Register House, or in such other Form as may from Time to Time be prescribed by the Lord Clerk Register, shall, from and after the Discontinuance of all the Particular Registers of Sasines directed to be discontinued as aforesaid, be prepared under the Superintendence of the Keeper of the General Register

Register of Sasines, and as nearly as possible contemporaneously with the Minute Books and Volumes of the Register; and such Indexes shall be consolidated from Time to Time for such Periods as may be deemed expedient: Provided always, that it shall be lawful at any Time for the Lord Clerk Register, if he shall think fit, to direct that Abridgments shall cease to be prepared separately from the Minutes, and in that Case, and in lieu of the Preparation and printing of said Abridgments, the Minutes shall be printed under the Superintendence of the Keeper of the General Register of Sasines, in lieu of printing such Abridgments.

Printed Abridgments, &c., and Indexes, to be transmitted to Counties.

10. The Keeper of the General Register of Sasines shall transmit the said printed Abridgments, or printed Minutes and Indexes, from Time to Time as the same are prepared, to the Department of the Lord Clerk Register; and the Lord Clerk Register shall as soon as possible thereafter furnish to the Sheriff Clerk of each County a printed Copy of the Abridgments or Minutes and Indexes for such County, and shall also furnish to each such Sheriff Clerk, as soon as prepared and transmitted to his Department as aforesaid, a printed Copy of each consolidated Index applicable to such County; and where in any County there shall be a Resident Sheriff Substitute and Depute Sheriff Clerk, in addition to those at the County Town, it shall be in the Power of the Lord Clerk Register, on Application made, to direct that Copies of the Abridgments or Minutes and Indexes for such County shall be also sent to such Depute Sheriff Clerk in the same Manner as to the Principal Sheriff Clerk; and such Abridgments or Minutes and Indexes so furnished to the Sheriff Clerks shall be made patent by them to the Public on Payment of such reasonable Fees as may be fixed by the Lord Clerk Register, with the Sanction of the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk, which Fees shall be accounted for by the Sheriff Clerks to the Lord Clerk Register as Part of the Fees of his Department.

Surplus Copies of former Abridgments to be sent to Counties.

11. And whereas there are in the Possession of the Lord Clerk Register certain spare or surplus Copies of the printed Abridgments of Sasines, commencing with the Year One thousand seven hundred and eighty-one, which have been prepared and printed from Time to Time, and which will be continued according to the Form presently in use up to the Date when each Particular Register shall be discontinued under the Provisions of this Act: Such Copies shall, so far as possible, be distributed by the Lord Clerk Register to the different Counties, by depositing with the Sheriff Clerk or Sheriff Clerk Depute of each County a Copy of the Abridgment applicable to that County.

Registration in General Register of Sasines equivalent in certain Cases to Registration in the Books of Council and Session.

12. It shall not be necessary to register in the Books of Council and Session for the Purpose of Preservation, or of Preservation and Execution, any Writ competent to be registered in the General Register of Sasines, and which shall have been so registered, and such Writ, being registered in the said Register of Sasines, shall be held to be registered also in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be: Provided such Writ, when presented for Registration in the said Register of Sasines, shall, in the Warrant of Registration prescribed by this Act, have an Addition, specifying that the Writ is to be registered for Preservation, or for Preservation and Execution, as well as for Publication, in or as nearly as may be in the Form of Schedule (A.) No. 3. hereto annexed; and the Writ, with such Warrant, being so registered in the said Register of Sasines, shall not be re-delivered to the Ingiver, but an Extract only (containing as Part of said Extract, where the Writ is registered for Execution, a Warrant for Execution,) shall be delivered, which Extract may be issued without abiding the actual Booking in the Register of Sasines, and shall be in the Form, as nearly as may be, of the Schedule (B.) to this Act annexed, and shall be signed on each Page by the Keeper of the Register of Sasines, or a Deputy duly commissioned by him to that Effect; and all Writs so presented to be registered for Preservation and Execution shall, after having been engrossed in the General Register of Sasines in Terms of Law, be periodically transmitted by the Keeper of the Register of Sasines to the Lord Clerk Register or his Deputies, through the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session, or otherwise, as the Lord Clerk Register shall prescribe, and shall be indexed, either separately, or along with other Writs registered in the Books of Council and Session, as the Lord Clerk Register may direct; and such Registration in the General Register of Sasines shall have all the legal Effects of Registration in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be, as well as of Registration in the General Register of Sasines: Provided always, that no Writ shall be held to be registered for the Purpose of Execution which does not contain a Procuratory for Registration, or Clause of Consent to Registration, for the Purpose of Execution, in the Body of the Writ; and Extracts as aforesaid, One or more, of all Writs so registered in the said Register of Sasines may be issued at any Time by the Keeper of the Register of Sasines, or, after Transmission as aforesaid, by the Deputy Keeper of the Records, or by any one having their Authority respectively; and all such Extracts, and the Warrants of Execution therein contained, shall have all the like Force and Effect as any Extract from the

the Books of Council and Session, or as any Warrant of Execution contained in or appended to such Extract, or as any Extract from the General Register of Sasines, according to the existing Law and Practice; and such Extracts, in Terms of this Act, shall be equivalent to the registered Writs themselves, except where any Writ so registered shall be offered to be improven; and all Extracts issued in Terms of this Act shall have upon them, in such Form as may from Time to Time be prescribed by the Lord Clerk Register, a Certificate or Marking indicating the cumulo Amount of Stamp Duty paid on the principal Writ recorded and retained for Preservation.

No higher Fees to be chargeable for Writs registered for Preservation and Execution as well as Publication.

13. No Fees shall be chargeable at the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session in respect of the Registration of any Writs in the General Register of Sasines for Preservation, or for Preservation and Execution, as well as for Publication, in Terms of this Act; and the Fees to be charged in respect thereof, and of the Extract given out at the Time of Registration at the Office of the General Register of Sasines, shall be the same, with the Addition only of any Outlay for the Writing and Stamps of such Extract, as would have been chargeable if the Writ had been registered for Publication only; and the Salaries of the Principal Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session, and of the Assistant Keepers, shall be defrayed out of Funds to be provided by Parliament for the Purpose; and the Fees of the Department shall be accounted for in such Manner as the Commissioners of the Treasury shall direct.

Registered Writs to be authenticated.

14. The Certificate of Registration on every Writ that shall be registered in the General Register of Sasines, and redelivered to the Ingiver, shall be signed by the Keeper of said Register, or a Deputy duly commissioned by him to that Effect; and no further Signature in order to or in token of such Registration shall be necessary to any Writ presented for Registration in the General Register of Sasines; but every Folio of such Writ shall, in token of such Registration, be impressed with an Office Seal or Stamp to be kept in the said General Register of Sasines.

Register of Interruptions of Prescriptions to be discontinued.

15. The Register of Interruptions of Prescriptions shall be discontinued as a separate Record, and all Writs appropriate thereto may be presented and registered in the General Register of Sasines in the same Manner as any other Writs appropriate to said General Register of Sasines; and Registration thereof in the General Register of Sasines shall have all the like Force and Effect as Registration in the Register of Interruptions of Prescriptions previous to the passing of this Act.

16. The

Particular Register of Inhibitions abolished.

16. The Particular Registers of Inhibitions and Interdictions throughout *Scotland* shall be discontinued, and all Diligences, Executions, and other Writings at present appropriate to those Registers, or any of them, shall be registrable only in the General Register of Inhibitions which shall be the only competent Register for the Registration of Inhibitions and Interdictions; and no Publication whatever of such Diligences, Executions, and other Writings, other than Registration in said General Register of Inhibitions, shall in future be necessary, but such Registration shall for all Purposes whatsoever have all the legal Effect of the Publication at present in use.

General Register of Inhibitions and Register of Adjudications to be treated as One Register.

17. The Office of the Keeper of the General Register of Hornings, Inhibitions, and Adjudications shall in Time coming be united with the Office of Keeper of the General Register of Sasines to the Effect that both Offices shall be held, and the Duties thereof discharged, by One and the same Person, and the Keeper of the General Register of Hornings, Inhibitions, and Adjudications shall keep only One Minute Book for Inhibitions and Adjudications, and also for Reductions recorded in his Office, as herein-after provided for, and shall frame only One Index applicable to all Inhibitions, Adjudications, and Reductions so recorded; and such Minute Book and Index shall be in such Form as may be prescribed by the Lord Clerk Register, and shall be printed, and a Copy thereof transmitted in like Manner as is provided in regard to the Abridgments and Indexes kept in the General Register of Sasines, and shall be made patent to the Public on Payment of reasonable Fees, to be fixed and accounted for as is provided in regard to said Abridgments and Indexes.

Particular Registers of Hornings, &c. not to be affected.

18. The Particular Registers of Hornings and expired Charges shall be continued as at the Date of the passing of this Act: Provided always, that where any such Register has been heretofore kept as a Joint Register of Hornings and Inhibitions, it shall cease to be a competent Register for the Registration of Inhibitions.

Provision as to Official Searchers.

19. The Commissioners of Her Majesty's Treasury shall have Power, upon the Application from Time to Time of the Lord Clerk Register, to regulate the Number of Official Searchers of the Records, and to grant to such Searchers such Remuneration out of Funds to be provided by Parliament for that Purpose as their Lordships shall deem fit: Provided that nothing herein contained shall interfere with the Right of Parties or their Agents to employ any other Persons to search the Records, or shall affect any Liability legally attaching to such other Persons, or to Agents employing them respectively.

20. From

Establishment of General Register of Sasines and Inhibitions to be regulated.

20. From and after and upon the Termination of the present existing Interest in the Office of the Keeper of the General Register of Sasines, or when the said Office shall become vacant, the Person to be then appointed to the said Office, and his Successors, shall hold no other Office, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice before the Supreme or any Inferior Court, and he shall not, directly or indirectly, by himself or any Partner, transact any Business for Profit other than the Business devolving on him as Keeper of the said Register; and from and after the Date fixed for this Act taking effect it shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Application of the Lord Clerk Register, to regulate from Time to Time the Offices of the General Register of Sasines, and of the General Register of Hornings, Inhibitions, and Adjudications under this Act, and to sanction such increased Establishment of Deputies, Assistants, Clerks, or other Officers as may be necessary for the Purposes hereof, and to fix the Salaries and Remuneration to be allowed to the Officers of the said Departments respectively; and such Salaries and Remuneration shall be payable out of Funds to be provided by Parliament for that Purpose; and Copies of all Minutes made by said Commissioners in pursuance of this Section shall be laid before Parliament forthwith, if Parliament be sitting, or if not, within Fourteen Days after the next ensuing Sitting of Parliament.

Remuneration to Sheriff Clerks.

21. It shall be competent to the Commissioners of Her Majesty's Treasury to pay to Sheriff Clerks reasonable Allowances for Duties discharged by them under this Act out of Funds to be voted by Parliament for that Purpose.

Power to Keepers of Registers whose Offices are discontinued to apply for Compensation.

22. It shall be competent for every Keeper of any Register whose Office shall be discontinued under the Provisions of this Act to apply to the Commissioners of Her Majesty's Treasury, who shall be empowered, on Proof of the average Amount of the Emoluments received by such Keeper, after defraying the Expenses of his Establishment, and to which Emoluments he was personally entitled under the present System of Registration, to award to him such Compensation as the said Commissioners shall deem just, having regard to the Terms of his Commission; and such Compensation shall be payable out of Funds to be provided by Parliament for that Purpose: Provided always, that if any Person to whom Compensation shall be awarded by way of Annuity as aforesaid shall be hereafter appointed to any other Office in the Public Service, such Compensation shall be accounted *pro tanto* of the Salary pay-

able to such Person in respect of such other Office so long as he shall continue to hold the same.

Responsibilities of Keepers of Particular Registers to attach to Keeper of General Register.

23. The Keeper of the General Register of Sasines shall, from and after the Discontinuance of the Particular Registers, or any of them, be subject to such and the like Responsibilities and Liabilities for Loss and Damage by reason of Neglects, Omissions, or Errors in the Registration of Writs in the General Register of Sasines as the Keepers of the Particular Registers of Sasines have hitherto been and now are subject to with reference to the Registration of Writs in such Particular Registers.

Directions and Forms may be given by Lord Clerk Register.

24. The Lord Clerk Register shall be empowered, if he shall deem it expedient, with the view of facilitating the Preparation of the Presentment Book and of the Minute Book, to require that such Particulars as he may determine respecting the Writ given in for Registration shall be delivered therewith, and generally shall be empowered to require such Particulars, and to issue such Forms and Directions, as he may deem requisite or expedient for facilitating Registration under this Act, and not being contrary to the Provisions thereof.

Power to Treasury to prepare amended Table of Fees of Registration.

25. The Commissioners of Her Majesty's Treasury shall have Power from Time to Time, after the Discontinuance of all the particular Registers of Sasines in Terms of this Act, to prepare amended Tables of Fees of Registration in the Register of Sasines at *Edinburgh*, and for that Purpose to reduce or regulate, and alter or vary, and, if considered expedient, to graduate according to the Values of the Lands or other Subjects to which the Fees have reference, all or any of such Fees, including the Fees of Searches against Lands and Heritages, or against the Proprietors thereof, and to lay such amended Tables before the Lord President, Lord Clerk Register, Lord Advocate, and Lord Justice Clerk, and any Alteration in the Amount of such Fees shall be subject to the Approval of such Commissioners; and in the Preparation of any such amended Tables it shall be in view that the Fees to be drawn from the said Department shall not be greater than may reasonably be held sufficient for defraying the Expenses of the said Department, or the Improvement of the System of Registration.

As to Salary and Duties of Lord Clerk Register.

26. It shall be lawful for the Commissioners of Her Majesty's Treasury to provide out of Monies voted by Parliament a Salary to the Lord Clerk Register of *Scotland*, and to regulate the Duties of such Office.

27. This

27. This Act shall not extend or apply to Burgh Registers of Sasines. Not to extend to Burgh Registers.

28. This Act shall take effect from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight. Commencement of Act.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Warrant of Registration on a Writ to be registered for Publication.

Register on behalf of *A.B.* [*insert Designation*] in the Register of the County of *C.* [*or if the Writ contains Land in more than One County*, in the Registers of the Counties of *C.*, *D.*, *E.*, and *F.*] [*or* Register, *&c.*, along with Assignation [*or* Assignations] *or* Writ of Resignation hereon, in the Register of the County of *C.*, *or* in the Registers of the Counties of *C.*, *D.*, *E.*, and *F.*] [*or otherwise, as the Case may be.*]

(Signed) *A. B.*
[*or*] *G. H.*,
W.S., Edinburgh, Agent.
[*or*] *J. K. & L.*,
W.S., Edinburgh, Agents,
[*or as the Case may be*].

No. 2.

Warrant of Registration on a Writ when presented with Assignation apart, or Notarial Instrument for Publication.

Register on behalf of *A. B.* [*insert Designation*] along with the Assignation [*or* Assignations, *or* Notarial Instrument] docqueted with reference hereto [*or otherwise as the Case may be*] in the Register of the County of *C.* [*or if the Writ and Assignation, or Assignations, or Notarial Instrument have reference to Land in more than One County*, in the Registers of the Counties of *C.*, *D.*, *E.*, and *F.*]

(Signed) *A. B.*
[*or*] *G. H.*,
W.S., Edinburgh, Agent.
[*or*] *J. K. & L.*,
W.S., Edinburgh, Agents,
[*or as the Case may be*].

No.

No. 3.

Warrant of Registration on a Writ to be registered for Preservation, or Preservation and Execution, as well as Publication.

Register on behalf of *A. B.* [*insert Designation*] for Preservation [*or* Preservation and Execution], as well as for Publication in the Register in the County of *C.* [*or* in the Registers of the Counties of *C.*, *D.*, *E.*, and *F.*]

(Signed) *A. B.*
[*or*] *G. H.*,
W.S. Edinburgh, Agent.
[*or*] *J. K. & L.*,
W.S., Edinburgh, Agents,
[*or as the Case may be.*]

SCHEDULE (B.)

Extract of Deed, containing Warrant of Execution.

At Edinburgh, the Day of One thousand eight hundred and , between the Hours and Forenoon [*or as the Case may be*], the Writ with Warrant of Registration thereon, herein-after engrossed, was presented by [*insert Name and Designation of Presenter*] for Registration in the General Register of Sasines for Publication, and also as in the Books of the Lords of Council and Session for Preservation [*or* for Preservation and Execution, *as the Case may be*], and is, with said Warrant of Registration, recorded in the Register of Sasines as follows:—

[*Insert full Copy of the Deed and Warrant of Registration, and where Deed is recorded for Execution, insert Warrant for Execution as follows:—*]

And the said Lords grant Warrant to Messengers-at-Arms in Her Majesty's Name and Authority to charge the Party or Parties aforesaid, bounden by the foresaid Writ, personally, or at his, her, or their respective Dwelling Place or Places if within Scotland, and if furth thereof, by delivering a Copy or Copies of Charge at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, to pay, implement, and perform the whole Sum or Sums or Obligations, or any of them, specified in the said Writ, all in Terms and to the Effect therein contained, and that to the Party or Parties to whom the said Sum or Sums or Obligations are, by the Terms of said Writ, payable or undertaken, within Six [*or* Fifteen, *as the Case may be*] Days if within Scotland, and if furth thereof, within Twenty-one Days next after

after he, she, or they are respectively charged to that Effect, under the Pain of Poinding and Imprisonment, the Term or Terms of Payment being always first come and bygone; and also under Deduction of any Sum or Sums paid to Account (if any); and also grant Warrant to arrest the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, Debts, and Sums of Money, in Payment and Satisfaction of the said Obligations, or any of them; and if the said Party or Parties bounden as aforesaid fail to obey the said Charge, then to poind the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, and other Effects; and if needful for effecting the said Poinding, grant Warrant to open all shut and lockfast Places in Form as effeirs.

Extracted on this and the preceding Pages by me, Keeper of the General Register of Sasines [*or* Deputy Keeper of the Records, *or other Officer duly authorized, as the Case may be*].

(Signed) *A.B.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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And whereas it is expedient to amend the said first-mentioned Act so far as respects the said recited Declaration:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Form of Declaration.

1. From and after the passing of this Act the said recited Form of Declaration shall not be required, and there shall be substituted in place thereof the Form of Declaration following; that is to say,

'I solemnly declare that I verily believe that this is the Paper 'by which *A.B.* [*the Voter*] intends to vote pursuant to the 'Provisions of the "Universities Election Acts, 1861 and 1868."'

Amendment of Sect. 2. of first-recited Act.

2. The Second Section of the said first-mentioned Act shall, in reference to the University of *London*, be construed as if the Words "in the Manner heretofore used" were omitted therefrom.

Officers in whose Presence Voting Papers may be signed in the Channel Islands.

3. A Voting Paper for the Election of any Burgess or Member to serve in Parliament for any Universities or University in respect of which the Provisions of the said first-mentioned Act may for the Time being be in force, may be signed by a Voter being in one of the Channel Islands in the Presence of the following Officers; that is to say,

1. In *Jersey* and *Guernsey*, of the Bailiffs or any Lieutenant Bailiff, Jurat, or Juge d'Instruction.
2. In *Alderney*, of the Judge of *Alderney*, or any Jurat.
3. In *Sark*, of the Seneschal or Deputy Seneschal.

And for the Purpose of certifying and attesting the Signature of such Voting Paper, each of the said Officers shall have all the Powers of a Justice of the Peace under the first-mentioned Act, and a Statement of the official Quality of such Officer shall be a sufficient Statement of Quality in pursuance of the Provisions of the said Act.

Short Title.

4. This Act may be cited for all Purposes as "The Universities Elections Act, 1868," and the said first-mentioned Act and this Act may be cited together as "The Universities Election Acts, 1861 and 1868."

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of the Reign of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[31st *July* 1868.]

WHEREAS by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, "to facilitate Arrange- " ments for the Relief of Turnpike Trusts, and to make " certain Provisions respecting Exemptions from Tolls," herein-after referred to as the Principal Act, Power is given to One of Her Majesty's Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest, and for extinguishing the Arrears of Interest, on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon: 14 & 15 Vict. c. 38.

And whereas by the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Forty-six, the Principal Act is extended to Turnpike Roads, the Acts relating to which are continued by any Annual Turnpike Acts Continuance Act, although their Revenues are not insufficient for such Payments as aforesaid: 24 & 25 Vict. c. 46.

And

And whereas, in pursuance of the Principal Act, and the said Act extending the same, the several Provisional Orders referred to in the Schedule annexed hereto have been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified:

And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

1. The several Provisional Orders, the Dates of which are set forth in the First Column of the said Schedule, are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

Short Title.

2. This Act may be cited for all Purposes as "The Turnpike Trusts Arrangements Act, 1868."

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the under-mentioned Rates per Annum.	Dates from which reduced Rate of Interest to commence.
		£ s. d.		
1867. 24 June	7 & 8 Geo. 4. c. lxxiii., "An Act for "more effectually improving the Road "from Creed to Ruan Lanehorne, and "from Dennis Water to Trethim Mill, "in the County of Cornwall" -	1,000 0 0	2*l.* per Cent.	5 June 1867.
12 Aug.	1 & 2 Geo. 4. c. cvii., "An Act for "more effectually repairing the Road "from Dunstable in the County of "Bedford to the Pond Yards in the "County of Hertford" - -	3,950 0 0	One Penny per Cent.	24 June 1867.
5 Dec.	8 & 9 Vict. c. cli., "An Act for repair- "ing and maintaining the Road from "Harwell to Streatley in the County "of Berks" - - - - -	2,900 0 0	One Penny per Cent.	13 Aug. 1867 (Arrears extinguished).
1868. 25 May	6 W. 4. c. xlvi., "An Act for making "and maintaining as Turnpike a Road "leading from the Flimwell to Hast- "ings Turnpike Road at or near "Beauport in the Parish of Holling- "ton to Hastings in the County of "Sussex" - - - - - -	11,390 0 0	1*l.* per Cent.	31 Dec. 1867 (Arrears extinguished).

LONDON.—Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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Metropolitan Police Funds.

Manner of defraying Expenses of Metropolitan Police Force.

2. The annual Sum to be provided in pursuance of the said Acts for defraying the Expenses of the Metropolitan Police Force shall not exceed Ninepence in the Pound, calculated on such Value as aforesaid, and of such annual Sum to be so provided One Fourth Part shall be contributed by the Treasury out of Monies to be for that Purpose provided by Parliament, and Three Fourth Parts shall be raised by a Rate in manner provided by the said Acts.

Allowance to Assistant Commissioners for House.

3. There shall be paid to each Assistant Commissioner of Police in addition to his Salary, as an Allowance for House Rent, such annual Sum not exceeding Three hundred Pounds as may from Time to Time be directed by One of Her Majesty's Principal Secretaries of State, with the Assent of the Commissioners of Her Majesty's Treasury, and any Allowance so paid shall be deemed to be Part of the Expenses of the Metropolitan Police.

Provisions as to Metropolitan Police Acts.

4. The Act of the Session of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Eighty-nine, intituled *An Act to authorize the Issue of a Sum of Money out of the Consolidated Fund towards the Support of the Metropolitan Police*, and the Tenth Section of the Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Sixty-four, shall be repealed; and for the Purposes of this Act the Acts relating to the Metropolitan Police shall be deemed to mean all Enactments which are in force of the following Acts; (that is to say,)

10 G. 4. c. 44. An Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis;*

2 & 3 Vict. c. 47. An Act passed in the Session of the Second and Third Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-seven, intituled *An Act for further improving the Police in and near the Metropolis;*

19 & 20 Vict. c. 2. An Act passed in the Session of the Nineteenth and Twentieth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Two, intituled *An Act to amend the Acts relating to the Metropolitan Police;*

20 & 21 Vict. c. 64. An Act passed in the Session of the Twentieth and Twenty-first Years of the Reign of Her Majesty Queen *Victoria*, Chapter Sixty-four, intituled *An Act for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police;* and,

24 & 25 Vict. c. 124. An Act passed in the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty Queen *Victoria*, Chapter

Chapter One hundred and twenty-four, intituled *An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes.*

Construction of Act.

5. This Act shall be construed as One with the said Acts relating to the Metropolitan Police, and all the Provisions of such Acts, save in so far as they are hereby varied or repealed, shall continue in full Force.

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Liquidation.

Application of Act.

4. This Act shall have Effect in the following Cases only:—

(1.) In case of Bankruptcy, where the Adjudication has been made before the passing of this Act, or a Deed of Arrangement has been registered before the passing of this Act and Adjudication of Bankruptcy supervenes before the Completion of the Liquidation under the Deed.

(2.) In case of Arrangement, where the Deed has been registered before the passing of this Act.

(3.) In case of Winding-up, where Proceedings are pending at the passing of this Act.

Division of Assets in Specie.

Power to prepare and file Scheme.

5. If in any Case of Bankruptcy, Arrangement, or Winding-up within this Act it appears to the Liquidators that it will be for the Benefit of the Estate in Liquidation that any Part of the Assets thereof should be divided in Specie, or be otherwise disposed of without Sale, they may prepare and file in the Court of Chancery a Scheme in that Behalf.

Provision in Scheme as to secured Creditors.

6. A Scheme may in any Case provide that any Class of secured Creditors shall take in or towards Discharge of their Claims on the Estate the Securities held by them at a Value to be determined by the Court or in such Manner as the Court shall direct.

Notice of Scheme.

7. Notice of the filing of the Scheme shall be published and given as General Orders under this Act direct.

Application for Confirmation.

8. At such Time after the filing of the Scheme as General Orders under this Act direct the Liquidators may apply to the Court in a summary Way for Confirmation thereof.

Confirmation of Scheme by Court.

9. After hearing the Liquidators, and any Creditors or other Parties whom the Court thinks entitled to be heard on the Application, the Court, if satisfied that no sufficient Objection has been established to the Scheme, may confirm the Scheme, with or without Alteration or Addition.

Effect of Scheme.

10. The Scheme, as and when confirmed by the Court, shall be binding and effectual to all Intents (any Rule of Law or Equity or Course of Procedure in any Court notwithstanding), and the Liquidators and Debtor and others affected by the Scheme shall conform with the Conditions thereof, and accordingly shall (subject to the Directions of the Court) execute and do all Deeds and Things necessary or proper for transferring or vesting any Portion of the Assets of the Estate in accordance with the Scheme.

Regard by Court to Wishes of Creditors.

11. The Court, in determining on the Confirmation of a Scheme, and in all Proceedings and Matters under or relating to a Scheme, may have regard to the Wishes of the Creditors or of separate Classes of Creditors, as proved to the Court by any sufficient Evidence;

Evidence; and the Court may, if it thinks it expedient for the Purpose of ascertaining their Wishes, direct Meetings of Creditors or of Classes of Creditors to be summoned and held, which Meetings shall be regulated in such Manner as the Court thinks fit (regard being always had to the Value of the Debts due to the several Creditors and to the Nature and Amount of their respective Securities, if any), and may appoint a Person to act as Chairman of any such Meeting, and to report the Result thereof to the Court.

Foreclosure by Notice.

Power for Creditors to foreclose by Notice.

12. For facilitating the Settlement of Claims of secured Creditors the following Provisions shall have Effect:—

(1.) In any Case of Bankruptcy, Arrangement, or Winding-up within this Act, any Person being or claiming to be a Creditor on the Estate in Liquidation, and holding or claiming a Security, Charge, or Lien on the Assets of the Estate, may, without Suit, give Notice in Writing to the Liquidators and the Debtor, stating his Debt or Demand, and the Security, Charge, or Lien which he holds or claims, and requiring Payment of his Debt or Demand within a Time therein specified, not being less than Six Months from the Delivery of the Notice:

(2.) Unless the Liquidators within the Time specified either comply with the Notice, or give to the Creditor a counter-Notice to the Effect that they dispute his Right to the Security, Charge, or Lien held or claimed by him, then from and after the Expiration of the Time specified the Creditor shall be entitled and bound to retain and accept, in full and final Satisfaction of the Debt or Demand stated in his Notice, that Portion of the Assets on which he holds or claims the Security, Charge, or Lien, and all Right and Title of the Liquidators and Debtor therein shall thenceforth be foreclosed:

(3.) The Liquidators and Debtor shall, at the Cost of the Estate, execute and do all Deeds and Things necessary or proper for vesting in the Creditor such Portion of the Assets as aforesaid, free from all Right of Redemption by such Liquidators or Debtor.

Procedure.

General Orders and Forms in Schedule.

13. General Orders for the better Execution of this Act and for the Regulation of Procedure thereunder shall be from Time to Time made by the Lord Chancellor of *Great Britain* with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice Chancellors, or of any Two of those Judges; and subject to the Provisions of any such General Orders, and until any such are made, the Forms given in the Schedule to this Act, or Forms to the like Effect, may be used for the Purposes therein indicated, with such Variations as Circumstances require, and when used shall be deemed sufficient.

The

The SCHEDULE.

FORMS.

I.

NOTICE BY CREDITOR.

The Liquidation Act, 1868.

To *A.B.* and *C.D.*, being the Assignees in Bankruptcy [*or as the Case may be*] of *E.F.*, of and to the said *E.F.*

I [*or* we], the undersigned, being a Creditor [*or* Creditors] of the above-named *E.F.* to the Amount of £ and holding the following Securities, namely [*here the Nature of the Securities claimed, and whether legal or equitable, to be fully stated*], do hereby require you (or some or one of you) to pay off my [*or* our] said Debt or Demand within [*not less than Six Calendar Months*] from the Receipt by you of this Notice.

Dated this Day of

(Signed) *G.H.*

II.

COUNTER-NOTICE BY LIQUIDATORS.

The Liquidation Act, 1868.

To *G.H.*

We, the undersigned, being the Assignees in Bankruptcy [*or as the Case may be*] of the Estate of *E.F.*, do hereby give you Notice that we dispute your Right to the Security, Charge, or Lien held or claimed by you on a Portion of the Assets of the Estate in respect of the Debt or Demand of £ claimed by you.

Dated this Day of

(Signed) *A.B.*
C.D.

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CAP. LXIX.

An Act to assimilate the Law in *Ireland* to the Law in *England* as to Costs in Actions of Libel.

[31st *July* 1868.]

WHEREAS it is expedient to assimilate the Law in *Ireland* to the Law in *England* as to Costs in Actions of Libel: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When Damages in an Action for Libel are under 40*s*. Plaintiff not to get more Costs than Damages.

1. In all Actions for Libel, where the Jury shall give Damages under Forty Shillings, the Plaintiff shall not be entitled to more Costs than Damages, unless the Judge before whom such Verdict shall be obtained shall immediately afterwards certify on the Back of the Record that the Libel was wilful and malicious.

To apply to Ireland only. Short Title.

2. This Act shall not apply to *England* and *Scotland*, and for all Purposes may be cited as The Libel Act (*Ireland*), 1868.

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CAP. LXX.

An Act to amend "The Railways (*Ireland*) Act, 1851," "The Railways (*Ireland*) Act, 1860," and "The Railways (*Ireland*) Act, 1864," as to the Trial of Traverses. [31st *July* 1868.]

WHEREAS by the Twenty-sixth Section of "The Railways Act (*Ireland*), 1851," it is provided that where the Party named in any Certificate of the Amount of the Price or Compensation ascertained by any Award (or any Party claiming under the Party so named) should be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies paid into Court should be dissatisfied with the Amount of the Price or Compensation in respect of such Monies, and where any Party interested in Land adjoining any Railway should be dissatisfied with any Award so far as respects any Works for the Accommodation of Lands thereby awarded to be made and maintained by the Company, or which such Party might claim to have so made and maintained, it should be lawful for such Party, at the Assizes for the County in which the Lands are situate, or, where the Lands are situate in the County of *Dublin* or County of the City of *Dublin*, in the Term next following the giving of such Certificate, or the Payment of such Money into Court, or (if the Claim be only in respect of Accommodation Works) the making of the

14 & 15 Vict. c. 70.

the Award, or where such Assizes are holden or such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then at the next subsequent Assizes, or in the next subsequent Term (as the Case might be), upon giving Ten Days Notice in Writing previously to such Assizes or Term respectively to the Secretary of the Company of the Amount or the Accommodation Works intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse should be tried in such Manner, subject to such Regulations, and with such Consequences, as in the said Act in that Behalf respectively mentioned:

23 & 24 Vict. c. 97. And whereas by "The Railways Act (*Ireland*), 1860," the said first-mentioned Act was amended and made perpetual:

27 & 28 Vict. c. 71. And whereas by the First Section of the Railways Act (*Ireland*), 1864, it is provided that in all Cases where the Amount of Money which the Arbitrator should have awarded to be paid by the Company to any Person in respect of any Estate or Interest in Lands should exceed the Sum of Five hundred Pounds it should be lawful for the Company, if dissatisfied with such Award, upon giving to such Person within Ten Days next after the Date of such Award Notice in Writing of their Intention to appeal therefrom, to have a Traverse entered by the Company in the Crown Book in respect of such Award at the same Time and in like Manner in all respects as were provided with respect to Traverses taken by Persons dissatisfied with any Award, and the like Proceedings should be taken with respect to a Traverse so taken by the Company, and the Verdict of the Jury upon such Traverse should have the like Effect as in the Case of a Traverse taken by a Person so dissatisfied:

And whereas such Traverses as aforesaid must at present be tried in the County or County of a City where the Lands are situate; and it is expedient to amend the Law in that respect in the Manner herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. **1.** This Act may be cited as "The Railways Traverse Act."

Provision for Trial of Traverse in County other than that in which Lands are situate. **2.** Whenever either Party shall be entitled and shall intend to have any such Traverse entered under the said recited Acts, or any or either of them, or any Act already or hereafter incorporating the said Acts, or any of them, it shall be lawful for the other Party to apply to the Court of Queen's Bench for an Order directing such Traverse to be entered and tried in some County other

other than the County or County of a City in which the Lands are situate; and if upon such Application it shall appear to said Court that it will be more convenient or proper or more in furtherance of Justice that such Traverse should be tried elsewhere than in the County or County of a City where the Lands are situate, the said Court may order such Traverse to be entered and tried in some other County or County of a City to be specified in such Order, and thereupon such Traverse shall be entered and tried in such other County or County of a City in such Manner, and subject to the like Regulations, and with the same Consequences, and the Verdict and Proceedings shall have the like Effect, as if the Lands were situate in the County or County of a City in which such Traverse shall under such Order be so entered and tried.

When Application for Trial of Traverse to be made.

3. Such Application may be made either before or after the Ten Days Notice shall have been given, and before or after such Traverse may have been entered for the County or County of a City where the Lands are situate, and notwithstanding that such Traverse may have been respited from an Assizes or Term previously to such Application; and in case such Order shall have been made after the Entry of the Traverse in the County or County of a City in which the Lands are situate, no Trial shall be had upon such Entry. The said Court may make such Order as it may deem fit respecting the Costs of such Application, or any Costs to be incurred by reason of such Change of the Place of Trial or otherwise incidental to such Order as aforesaid, and may, in making such Order and in respect thereof, impose such Terms upon either Party as Justice may require.

Construction of Acts.

4. This Act and the said recited Acts shall be read together as One Act, and this Act shall be held to be incorporated with each of the said recited Acts in any Act already or hereafter incorporating the said recited Acts, or any of them, and shall apply to Traverses of Awards made before the passing of this Act in respect of which the Right of Traverse shall still subsist.

Jurisdiction out of Term Time.

5. The Jurisdiction herein-before conferred upon the Court of Queen's Bench may out of Term be exercised by any Judge of that Court, or any Judge having for the Time being Jurisdiction to entertain and determine a Motion to change the Venue in any Action depending in said Court.

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that District, as if the same was the District of the Court for all Purposes; and, from a Time to be specified in each such Order, this Act shall have Effect in and throughout the District so constituted; and any such Order may be from Time to Time varied as seems expedient; and a County Court so appointed to have Admiralty Jurisdiction, and no other County Court, shall, for the Purposes of this Act, be deemed a County Court having Admiralty Jurisdiction: Provided that no Judge of a County Court, except the Judges of the *London* Court, shall have Jurisdiction in the City of *London*.

Extent of Admiralty Jurisdiction of County Courts.

3. Any County Court having Admiralty Jurisdiction shall have Jurisdiction, and all Powers and Authorities relating thereto, to try and determine, subject and according to the Provisions of this Act, the following Causes (in this Act referred to as Admiralty Causes):

(1.) As to any Claim for Salvage—Any Cause in which the Value of the Property saved does not exceed One thousand Pounds, or in which the Amount claimed does not exceed Three hundred Pounds:

(2.) As to any Claim for Towage, Necessaries, or Wages—Any Cause in which the Amount claimed does not exceed One hundred and fifty Pounds:

(3.) As to any Claim for Damage to Cargo, or Damage by Collision—Any Cause in which the Amount claimed does not exceed Three hundred Pounds:

(4.) Any Cause in respect of any such Claim or Claims as aforesaid, but in which the Value of the Property saved or the Amount claimed is beyond the Amount limited as above mentioned, when the Parties agree by a Memorandum signed by them or by their Attorneys or Agents that any County Court having Admiralty Jurisdiction, and specified in the Memorandum, shall have Jurisdiction.

Restrictions on County Court Jurisdiction in certain Cases.

4. Nothing in this Act, or in any Order in Council under it, shall confer on a County Court Jurisdiction in any Prize Cause, or in any other Matter within the Naval Prize Act, 1864, or in any Matter arising under any of the Acts for the Suppression of the Slave Trade, or any Admiralty Jurisdiction by way of Appeal.

No County Court other than that appointed to have Jurisdiction.

5. From and after the Time specified in each Order in Council under this Act appointing a County Court to have Admiralty Jurisdiction within any District as the Time from which this Act shall have Effect in and throughout that District, no County Court, other than

than the County Court so appointed, shall have Jurisdiction within that District in any Admiralty Cause; provided that all Admiralty Causes at that Time pending in any County Court within that District may be continued as if no such Order in Council had been made.

As to Transfer from County Court by Order of High Court of Admiralty.

6. The High Court of Admiralty of *England*, on Motion by any Party to an Admiralty Cause pending in a County Court, may, if it shall think fit, with previous Notice to the other Party, transfer the Cause to the High Court of Admiralty, and may order Security for Costs, or impose such other Terms as to the Court may seem fit.

As to Transfer of Causes by Order of County Court to High Court of Admiralty.

7. If during the Progress of an Admiralty Cause in a County Court it appears to the Court that the Subject Matter exceeds the Limit in respect of Amount of the Admiralty Jurisdiction of the Court, the Validity of any Order or Decree theretofore made by the Court shall not be thereby affected, but (unless the Parties agree, by a Memorandum signed by them or by their Attorneys or Agents, that the Court shall retain Jurisdiction,) the Court shall by Order transfer the Cause to the High Court of Admiralty; but that Court may, nevertheless, if the Judge of that Court in any Case thinks fit, order that the Cause shall be prosecuted in the County Court in which it was commenced, and it shall be prosecuted accordingly.

As to Transfer of Causes to other County Courts or Court of Admiralty.

8. If during the Progress of an Admiralty Cause in a County Court it shall appear to the Court that the Cause could be more conveniently prosecuted in some other County Court, or in the High Court of Admiralty of *England*, the Court may by Order transfer it to such other County Court, or to the High Court of Admiralty of *England*, as the Case may be, and the Cause shall thenceforward be so prosecuted accordingly.

Restrictions on Proceedings in the Court of Admiralty or Superior Court.

9. If any Person shall take in the High Court of Admiralty of *England* or in any Superior Court Proceedings which he might, without Agreement, have taken in a County Court, except by Order of the Judge of the High Court of Admiralty or of such Superior Court or of a County Court having Admiralty Jurisdiction, and shall not recover a Sum exceeding the Amount to which the Jurisdiction of the County Court in that Admiralty Cause is limited by this Act, and also if any Person without Agreement shall, except by Order as aforesaid, take Proceedings as to Salvage in the High Court of Admiralty or in any Superior Court in respect of Property saved, the Value of which when saved does not exceed One thousand Pounds, he shall not be entitled to Costs,

Costs, and shall be liable to be condemned in Costs, unless the Judge of the High Court of Admiralty or of a Superior Court before whom the Cause is tried or heard shall certify that it was a proper Admiralty Cause to be tried in the High Court of Admiralty of *England* or in a Superior Court.

Powers, &c. of Judges and Registrars.

10. In an Admiralty Cause in a County Court the Cause shall be heard and determined in like Manner as ordinary Civil Causes are now heard and determined in County Courts; save and except that in any Admiralty Cause of Salvage, Towage, or Collision the County Court Judge shall, if he think fit, or on the Request of either Party to such Cause, be assisted by Two Nautical Assessors in the same Way as the Judge of the High Court of Admiralty is now assisted by Nautical Assessors.

Power to Judge of County Court to summon Nautical Assessors to his Assistance.

11. In any such Admiralty Cause as last aforesaid it shall be lawful for the Judge of the County Court, if he think fit, and he shall, upon Request of either Party, summon to his Assistance in such Manner as General Orders shall direct Two Nautical Assessors, and such Nautical Assessors shall attend and assist accordingly.

Decrees in County Courts in Admiralty Causes to have same Force as those in Civil Causes.

12. The Decree of the County Court in an Admiralty Cause shall be enforced against the Person or Persons summoned as the Defendant or Defendants in the same Manner as the Decrees of the said Court are enforced in ordinary Civil Causes, save and except as in this Act otherwise provided.

Admiralty Causes to be heard at usual Courts.

13. The Judge of every County Court having Admiralty Jurisdiction shall hear and determine Admiralty Causes at the usual Courts held within his Jurisdiction, or at special Courts to be held by him, and which he is hereby required to hold as soon as may be after he shall have had Notice of an Admiralty Cause having arisen within the Jurisdiction of his Court.

Appointment of Assessors in County Court.

14. The Registrar of each County Court having Admiralty Jurisdiction shall from Time to Time frame a List, to be approved by the Judge of the High Court of Admiralty before whom the same shall be laid by the County Court Judge, and without whose Approval it shall have no Validity, of Assessors, of Persons of nautical Skill and Experience residing or having Places of Business within the District of the County Court, to act as Assessors in that Court, and shall cause the List to be published in the *London Gazette*.

Attendance of Assessors.

15. Every Person named in the List of Assessors so framed and approved shall attend the County Court under such Circumstances, and

and in such Rotation, and subject to such Regulations, and shall receive such Fees for his Attendance, as General Orders shall direct, and for every wilful Non-attendance shall be liable, at the Discretion of the Court, to a Penalty not exceeding Five Pounds.

Removal of Assessors.

16. Every Assessor named in such List shall hold his Office until a new List of Assessors shall have been framed and approved as aforesaid, or until he shall resign his Appointment.

Remuneration of Registrars.

17. The Registrars of the County Courts shall be remunerated for their Duties in Admiralty Causes by receiving for their own Use such Fees as General Orders shall direct.

Scale of Costs.

18. A Scale of Costs and Charges in Admiralty Causes in the County Courts shall be prescribed by General Orders.

Power to Registrars to administer Oaths and take Evidence.

19. The Registrar of a County Court shall have Power to administer Oaths in relation to any Admiralty Cause in a County Court; and any Person who shall wilfully depose or affirm falsely before the Registrar in any Admiralty Cause shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attaching to wilful and corrupt Perjury.

Evidence before Registrar receivable in Admiralty Court.

20. Evidence taken in any Admiralty Cause before the Registrar of a County Court, as the Judge of a County Court or General Orders shall direct, shall be received as Evidence in any other County Court, saving all just Exceptions; and the Registrar of any County Court shall, for the Purpose of the Examination of any Witnesses within the District of that Court, have all and the like Powers and Authorities of an Examiner of the High Court of Admiralty of *England*, and Evidence taken by him in that Capacity shall be received as Evidence in the High Court of Admiralty of *England*, saving all just Exceptions.

As to Proceedings in County Court for Commencement of Cause.

21. Proceedings in an Admiralty Cause shall be commenced—

(1.) In the County Court having Admiralty Jurisdiction within the District of which the Vessel or Property to which the Cause relates is at the Commencement of the Proceedings:

(2.) If the foregoing Rule be not applicable, then in the County Court having Admiralty Jurisdiction in the District of which the Owner of the Vessel or Property to which the Cause relates, or his Agent in *England*, resides, or if such Owner or Agent does not reside within any such District, then in the County Court having Admiralty Jurisdiction the District whereof is nearest to the Place where such Owner or Agent resides:

(3.) If for any Reason the last foregoing Rule is not applicable or cannot be acted on, then in such County Court having Admiralty Jurisdiction as General Orders direct:

(4.) In any Case in the County Court or One of the County Courts having Admiralty Jurisdiction in which the Parties by a Memorandum, signed by them or by their Attorneys or Agents, agree shall have Jurisdiction in the Cause.

Limitation of Arrest.

22. In an Admiralty Cause in a County Court if Evidence be given to the Satisfaction of the Judge, or in his Absence the Registrar of the Court, that it is probable that the Vessel or Property to which the Cause relates will be removed out of the Jurisdiction of the Court before the Plaintiff's Claim is satisfied, it shall be lawful for the said Judge, or in his Absence for the Registrar, to issue a Warrant for the Arrest and Detention of the said Vessel or Property, unless or until Bail to the Amount of the Claim made in such Cause, and to the reasonable Costs of the Plaintiff in such Cause, be entered into and perfected, according to General Orders, by or on behalf of the Owner of the Vessel or Property or his Agent, or other the Defendant in such Cause; and, except as in this Section expressly provided, there shall be no Arrest or Detention of a Vessel or Property in an Admiralty Cause in a County Court otherwise than in Execution.

Power to issue Process.

23. For the Execution of any Decree or Order of a County Court in an Admiralty Cause the Court may order, and the Registrar on such Order may seal and issue, and any Officer of any County Court may execute, Process according to General Orders; provided that where under such Process a Vessel or Property would or might be sold, then, if the Owner of the Vessel or Property desires that the Sale should be conducted in the High Court of Admiralty instead of in the County Court, he shall be entitled, on Security for Costs being first given, and subject and according to such other Provisions as General Orders direct, to obtain an Order of the County Court for Transfer of the Proceedings for Sale, with or without (as the Judge of the County Court thinks fit) the Transfer of the subsequent Proceedings in the Cause, to the High Court of Admiralty, which Court shall have Jurisdiction and all Powers and Authorities relating thereto accordingly.

Registration of Decrees and Orders.

24. Such Decrees and Orders of County Courts in Admiralty Causes as General Orders shall direct shall be registered with the Registrar of County Court Judgments in *London* in such Manner as General Orders shall direct.

25. The

Concurrent Jurisdiction of the Court of Passage.

25. The Court of Passage of the Borough of *Liverpool* shall, upon an Order in Council being made which shall appoint the County Court of *Lancashire* holden at *Liverpool* to have Admiralty Jurisdiction, have the like Jurisdiction, Powers, and Authorities as by that Order are conferred on the said County Court; but nothing herein shall be deemed to enlarge the Area over which the Jurisdiction of the Court of Passage extends, or to alter the Rules and Regulations for holding the said Court, or to take away or restrict any Jurisdiction, Power, or Authority already vested in that Court; and Fees received in that Court under this Act shall be dealt with as Fees received in that Court under its ordinary Jurisdiction.

Appeal to Court of Admiralty.

26. An Appeal may be made to the High Court of Admiralty of *England* from a final Decree or Order of a County Court in an Admiralty Cause, and, by Permission of the Judge of the County Court, from any interlocutory Decree or Order therein, on Security for Costs being first given, and subject to such other Provisions as General Orders shall direct.

Time for Appeal.

27. No Appeal shall be allowed unless the Instrument of Appeal is lodged in the Registry of the High Court of Admiralty within Ten Days from the Date of the Decree or Order appealed from, but the Judge of the High Court of Admiralty of *England* may, on sufficient Cause being shown to his Satisfaction for such Omission, allow an Appeal to be prosecuted, notwithstanding that the Instrument of Appeal has not been lodged within that Time.

Agreement not to appeal.

28. No Appeal shall be allowed if, before the Decree or Order is made, the Parties shall have agreed by a Memorandum signed by them, or by their Attorneys or Agents, that the Decree or Order shall be final; and any such Agreement need not be stamped, except in respect of any Fee imposed by General Orders.

As to Appeals to the Queen in Council.

29. There shall be no Appeal from a Decree or Order of the High Court of Admiralty of *England* made on Appeal from a County Court, except by express Permission of the Judge of the High Court of Admiralty.

Costs of Appeal.

30. On an Appeal under this Act, when the Appellant is unsuccessful, he shall pay the Costs of the Appeal, unless the Appellate Court shall otherwise direct.

No Appeal unless Amount exceeds 50*l.*

31. No Appeal shall be allowed unless the Amount decreed or ordered to be due exceeds the Sum of Fifty Pounds.

32. On

Conduct of Sale, &c. in Court of Admiralty.

32. On an Appeal under this Act, the Judge of the High Court of Admiralty, if it appears to him expedient that any Sale decreed or ordered to be made of the Vessel or Property to which the Cause relates should be conducted in the High Court of Admiralty instead of in the County Court from which the Appeal is brought, may direct the Transfer of the Proceedings for Sale, with or without the Transfer of the subsequent Proceedings in the Cause, to the High Court of Admiralty, which Court shall have Jurisdiction and all Powers and Authorities relating thereto accordingly.

In certain Cases Causes may be transferred by County Court and Appeals made to Court of Admiralty of the Cinque Ports.

33. In all Cases which shall arise within the Jurisdiction of the Cinque Ports as defined by the Act First and Second *George* the Fourth, Chapter Seventy-six, Section Eighteen, Causes may be transferred by the County Court and Appeals made to the Court of Admiralty of the Cinque Ports in lieu of the High Court of Admiralty; and in the Case of Appeals the Instrument of Appeal shall be lodged in the Registry of the Cinque Ports, and the same Discretion vested in the Judge Official and Commissary of the said Cinque Ports Court as is by this Act vested in the Judge of the High Court of Admiralty.

County Court Acts applied to this.

34. This Act shall be read as One Act with so much of the County Courts Act, 1846, and the Acts amending or extending the same, as is now in force.

Practice, &c. to be regulated by General Orders.

35. General Orders shall be from Time to Time made under this Act for the Purposes in this Act directed, and for regulating the Practice and Procedure of the Admiralty Jurisdiction of the County Courts, the Forms of Processes and Proceedings therein or issuing therefrom, and the Days and Places of Sittings for Admiralty Causes, the Duties of the Judges and Officers thereof, and the Fees to be taken therein.

Authority for making General Orders.

36. General Orders under this Act shall be made by the Lord Chancellor, with the Advice and Assistance of the Judge of the High Court of Admiralty of *England*, and, as far as they relate to Fees, or to the Receipt and Expenditure of and accounting for Money, with the Approval of the Commissioners of Her Majesty's Treasury.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXII.

An Act to amend the Law relating to Promissory Oaths. [31st *July* 1868.]

WHEREAS it is expedient to amend the Law relating to Promissory Oaths:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the "Promissory Oaths Act, 1868." Short Title.

PART 1.

OATHS TO BE CONTINUED.

Oath of Allegiance. Official and Judicial Oaths.

2. The Oath in this Act referred to as the Oath of Allegiance shall be in the Form following; that is to say, Form of Oath of Allegiance.

'I ..... do swear that I will be faithful and
'bear true Allegiance to Her Majesty Queen Victoria, Her
'Heirs and Successors, according to Law. So help me GOD.'

3. The

Promissory Oaths.

Form of Official Oath.

3. The Oath in this Act referred to as the Official Oath shall be in the Form following; that is to say,

'I do swear that I will well and truly serve Her 'Majesty Queen Victoria in the Office of .

'So help me GOD.'

Form of Judicial Oath.

4. The Oath in this Act referred to as the Judicial Oath shall be in the Form following; that is to say,

'I do swear that I will well and truly serve 'our Sovereign Lady Queen Victoria in the Office of , 'and I will do Right to all Manner of People after the Laws and 'Usages of this Realm, without Fear or Favour, Affection or 'Illwill. So help me GOD.'

Persons to take the Oath of Allegiance and Official Oath.

5. The Oath of Allegiance and Official Oath shall be tendered to and taken by each of the Officers named in the First Part of the Schedule annexed hereto as soon as may be after his Acceptance of Office by the Officer, and in the Manner in that Behalf mentioned in the said First Part of the said Schedule.

Persons to take the Oath of Allegiance and Judicial Oath.

6. The Oath of Allegiance and Judicial Oath shall be taken by each of the Officers named in the Second Part of the said Schedule hereto as soon as may be after his Acceptance of Office, and such Oaths shall be tendered and taken in manner in which the Oaths required to be taken by such Officer previously to the passing of this Act on entering his Office would have been tendered and taken.

Penalty on not taking required Oath.

7. If any Officer specified in the Schedule hereto declines or neglects, when any Oath required to be taken by him under this Act is duly tendered, to take such Oath, he shall, if he has already entered on his Office, vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no Person shall be compelled, in respect of the same Appointment to the same Office, to take such Oath or make such Affirmation more Times than One.

Form of Oath of Allegiance in this Act substituted for Form in certain other Acts.

8. The Form of the Oath of Allegiance provided by this Act shall be deemed to be substituted in the Case of the Clerical Subscription Act, 1865, for the Form of the Oath of Allegiance and Supremacy therein referred to; in the Case of the Parliamentary Oaths Act, 1866, for the Form of the Oath thereby prescribed to be taken and subscribed by Members of Parliament on taking

Promissory Oaths.

taking their Seats; and in the Case of the Office and Oaths Act, 1867, for the Form of the Oaths of Allegiance, Supremacy, and Abjuration therein referred to; and all the Provisions of the said Acts shall apply to the Oath substituted by this Section in the same Manner as if that Form of Oath were actually inserted in each of the said Acts in the Place of the Oath for which it is substituted.

Prohibition of Oath of Allegiance except in accordance with Act.

9. No Person shall be required or authorized to take the Oaths of Allegiance, Supremacy, and Abjuration, or any of such Oaths, or any Oath substituted for such Oaths, or any of them, or to make any Declaration to the like Effect of such Oaths, or any of them, except the Persons required to take the Oath of Allegiance by this Act and the Clerical Subscription Act, 1865, and the Parliamentary Oaths Act, 1866, or One of such Acts, any Act of Parliament, Charter, or Custom to the contrary notwithstanding; and no Person shall be required or authorized to take the Oath of Assurance in *Scotland*.

Miscellaneous Provisions as to Oaths.

The Name of the Sovereign for the Time being to be used in the Oath.

10. Where in any Oath under this Act the Name of Her present Majesty is expressed, the Name of the Sovereign of this Kingdom for the Time being shall be substituted from Time to Time.

Provision in favour of Persons permitted to make Affirmations.

11. When an Oath is required to be taken under this Act, every Person for the Time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath may, instead of taking such Oath, make a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "So help me God."

PART 2.

Oaths to be abolished.

Substitution of Declaration for Oaths.

Regulations as to Substitution of Declarations for Oaths.

12. The following Regulations shall be enacted with respect to the Substitution of Declarations for Oaths; (that is to say,)

1. Where before the passing of this Act an Oath was required to be taken by any Person on or as a Condition of accepting any Employment or Office in Her Majesty's Honourable Band of Gentlemen at Arms or Body Guard of Yeomen of the Guard, or in any other Department of Her Majesty's Household, in such Case a Declaration of Fidelity in Office shall be substituted with the Addition (in Cases where it seems

seems meet to Her Majesty by Order in Council to make such Addition) of a Declaration of Secrecy to be observed by the Declarant with respect to Matters coming within his Cognizance by reason of his Employment or Office:

2. Where before the passing of this Act an Oath was required to be taken by any Person on or as a Condition of accepting any Office in or under a Municipal Corporation, or on or as a Condition of Admission to Membership in or Participation in the Privileges of any Municipal Corporation, there shall be substituted for such Oath, in the Case of an Office, a Declaration that the Declarant will faithfully perform the Duties of his Office; and in the Case of Admission to Membership or Participation in the Privileges of a Municipal Corporation, a Declaration that the Declarant will faithfully demean himself as a Member of or Participator in the Privileges of such Corporation:

3. Where before the passing of this Act an Oath was required to be taken on or as a Condition of Admission to Membership or Fellowship or Participation in the Privileges of any Guild, Body Corporate, Society, or Company, a Declaration to the like Effect of such Oath shall be substituted; provided that if any Two or more of the Members of such Guild, Body Corporate, Society, or Company, with the Concurrence of the Majority of the Members present and voting at a Meeting specially summoned for the Purpose, object to any Statement contained in such Declaration on the ground of its relating to Duties which by reason of Change of Circumstances have become obsolete, they may appeal to One of Her Majesty's Principal Secretaries of State to omit such Statement, and the Decision of such Secretary of State shall be final:

4. Where in any Case not otherwise provided for by this Act or included within the Saving Clauses thereof an Oath is required to be taken by any Person on or as a Condition of his accepting any Employment or Office, a Declaration shall be substituted for such Oath to the like Effect in all respects as such Oath:

5. The making a Declaration in pursuance of this Section instead of Oath shall in all respects have the same Effect as the taking the Oath for which such Declaration is substituted would have had if this Act had not passed.

Penalty on not making Declaration required by this Act.

13. If any Person required by this Act to make a Declaration instead of an Oath declines or neglects to make such Declaration, he shall be subject to the same Penalties and Disabilities, if any, as he would

would have been subjected to for declining or neglecting to take the Oath for which the Declaration provided by this Act is substituted.

PART 3.

Saving Clause.

14. Nothing in this Act contained shall affect— Not to affect Matters herein stated.

1. The Clerical Subscription Act, 1865, or the Parliamentary Oaths, 1866, except in relation to the Form of Oath in manner herein-before mentioned:
2. The Oath taken by Privy Councillors of the United Kingdom, or by Privy Councillors of *Ireland*, with the Exception that the Form of the Oath of Allegiance prescribed by this Act shall be substituted for the Oath of Allegiance, Supremacy, and Abjuration now required to be taken by Privy Councillors:
3. The Oath of Homage taken by Archbishops and Bishops in the Presence of Her Majesty:
4. The Oath of canonical Obedience to the Bishop, or the Oath of due Obedience to the Archbishop, taken by Bishops on Consecration, and which Oaths are reserved by the Clerical Subscription Act, 1865:
5. Any Oath taken by Peers, Baronets, or Knights on their Creation, with this Exception, that where the Oaths of Allegiance, Supremacy, or Abjuration, or any Two or One of such Oaths, or any Oath substituted for such Oaths or any of them, are or is required to be taken by such Peers, Baronets, or Knights, there shall be substituted for such Oaths, or any Two or One of them, the Oath of Allegiance prescribed by this Act:
6. Any Oath required to be taken in the Army, the Marines, the Militia, the Yeomanry, or the Volunteers:
7. The Oath taken by Aliens on being naturalized, with this Exception, that the Form of the Oath of Allegiance prescribed by this Act shall be substituted for the Form of the Oath of Allegiance required so to be taken by Aliens previously to the passing of this Act:
8. The Eighteenth Section of the Merchant Shipping Act, 1854, or any Provision to be substituted therefor, whereby certain Persons claiming to be Owners of *British* Ships are required to take the Oath of Allegiance, with this Exception, that the Form of the Oath of Allegiance as prescribed by this Act shall be substituted for the Form of the Oath of Allegiance contained in the said Merchant Shipping Act, 1854:

9. Any Power of substituting a Declaration for an Oath vested in the Commissioners of Her Majesty's Treasury by the Act of the Session of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two:

10. Any Oath required or authorized by Act of Parliament to be taken or made for the Purpose of attesting any Fact or verifying any Account or Document:

11. Any Oath or Declaration taken in Judicial Ratification by Married Women, as the same by the Law and Practice of *Scotland* have been in use to be taken:

12. Any Oath required to be taken by any Juror, Witness, or other Person in pursuance of any Act of Parliament or Custom as preliminary to or in the course of any Civil, Military, Criminal, or other Trial, Inquest, or Proceedings of a Judicial Nature, including any Arbitration, or as preliminary to or in the course of any Proceedings before a Committee of either House of Parliament, or before any Commissioner or other special Tribunal appointed by the Crown.

Saving of Powers of Alteration hitherto exercised.

15. Where a Declaration has been substituted for an Oath under this Act, any Person, Guild, Body Corporate, or Society which before the passing of this Act had Power to alter such Oath, or to substitute another Oath in its Place, may exercise a like Power with regard to such Declaration.

General Saving as to Matters herein stated.

16. Where previously to the passing of this Act the taking of any Oath formed a Condition precedent or subsequent to the Attainment by any Person of any Office, Privilege, Exemption, or other Benefit, and such Person is by this Act prevented from fulfilling such Condition, he shall nevertheless, on complying with the other Conditions, if any, attached to the Attainment of such Office, Privilege, Exemption, or other Benefit, be entitled thereto in the same Manner as if the Condition relating to such Oath, and any Directions as to the Certificate or Registration of the taking of such Oath, or otherwise, had been fulfilled and performed.

SCHEDULE.

FIRST PART.

ENGLAND.

First Lord of the Treasury. Chancellor of the Exchequer. Lord Chancellor. President of the Council. Lord Privy Seal. Secretaries of State. First Lord of the Admiralty. Chief Commissioner of Works and Public Buildings. President of the Board of Trade. President of the Poor Law Board. Lord Steward. Lord Chamberlain. Earl Marshal. Master of the Horse. Commander-in-Chief. Chancellor of the Duchy of Lancaster. Paymaster General. Postmaster General.	The Oath as to England is to be tendered by the Clerk of the Council, and taken in Presence of Her Majesty in Council, or otherwise as Her Majesty shall direct.

SCOTLAND.

The Lord Keeper of the Great Seal. The Lord Keeper of the Privy Seal. The Lord Clerk Register. The Lord Advocate. The Lord Justice Clerk.	The Oath as to Scotland is to be tendered by the Lord President of the Court of Session at a Sitting of the Court.

IRELAND.

Lord Lieutenant. Lord Chancellor. Commander of the Forces. Chief Secretary for Ireland.	The Oath as to Ireland is to be tendered by the Clerk of the Council, and taken at a Meeting of the Privy Council in Ireland.

SECOND

SECOND PART.

England.

The Lord Chancellor of Great Britain.
The Lord Chief Justice.
The Master of the Rolls.
The Chief Justice of the Common Pleas.
The Chief Baron of the Exchequer.
The Lord Justices of the Court of Appeal in Chancery.
The Vice Chancellors.
The Puisne Justices of the Queen's Bench.
The Puisne Justices of the Common Pleas.
The Puisne Barons of the Exchequer.
The Judge of the Admiralty Court.
The Recorder of London.
The Judge of the Probate Court.
Justices of the Peace for Counties and Boroughs.

Scotland.

The Lord Justice-General and President of the Court of Session in Scotland, the Lord Justice-Clerk of Scotland, the Judges of the Court of Session in Scotland, Sheriffs of Counties, and Justices of the Peace for Counties and Burghs.

Ireland.

The Lord Chancellor of Ireland.
The Lord Chief Justice.
The Master of the Rolls.
The Chief Justice of the Common Pleas.
The Chief Baron of the Exchequer.
The Lord Justice of the Court of Appeal in Chancery.
The Vice Chancellor.
The Puisne Justices of the Queen's Bench.
The Puisne Justices of the Common Pleas.
The Puisne Barons of the Exchequer.
The Judge of the Probate Court.
The Judges of the Landed Estates Court.
The Judge of the Admiralty Court.
The Judges of the Court of Bankruptcy and Insolvency.
The Recorder of Dublin.
Justices of the Peace for Counties and Boroughs.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXIII.

An Act to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament.

[31st *July* 1868.]

WHEREAS it is inexpedient that any Person otherwise entitled to be registered as a Voter should be incapacitated to vote at the Election of a Member or Members to serve in Parliament by reason of his being employed in the Collection or Management of Her Majesty's Revenues:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Enactments in Schedule repealed.

1. The Enactments contained in the Schedule to this Act are hereby repealed.

SCHEDULE.

22 George III. c. 41.
43 George III. c. 25.
7 & 8 George IV. c. 53. sec. 9.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXIV.

An Act to extend the Powers of Poor Law Inspectors and Medical Inspectors in *Ireland*.

[31st *July* 1868.]

WHEREAS by an Act passed in the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Ninety, the Poor Law Commissioners in *Ireland* are empowered from Time to Time, subject to the Approval of the Lord Lieutenant, to appoint so many fit Persons as shall be allowed by the Commissioners of Her Majesty's Treasury to be Inspectors to assist in the Execution of the Acts for the Relief of the Poor in *Ireland*: 10 & 11 Vict. c. 90.

And whereas by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, the said Poor Law Commissioners are empowered from Time to Time to appoint so many fit Persons as the Commissioners of Her Majesty's Treasury shall sanction, being practising Physicians or Surgeons of not less than Seven Years standing, to be Inspectors to assist in carrying out the Provisions of the last-mentioned Act: 14 & 15 Vict. c. 68.

And whereas by the "Sanitary Act, 1866," it is enacted that the Provisions of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-eight, with respect to the Duties 29 & 30 Vict. c. 90.

and Appointment of Medical Inspectors, shall be incorporated therewith, and that the Prevention of Disease and Inquiry into Public Health under the said Sanitary Act, 1866, shall be deemed to be One of the Purposes for which such Inspectors have been or may be appointed, in like Manner as if its Provisions had been referred to in the said Act of the Fourteenth and Fifteenth Years of Her Majesty:

And whereas it is expedient to amend the Law in this Behalf:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inspectors under 10 & 11 Vict. c. 90. deemed to be Inspectors under 14 & 15 Vict. c. 68., and e converso.

1. Every Inspector appointed or hereafter to be appointed under the Provisions of the said Act Tenth and Eleventh *Victoria*, Chapter Ninety, to assist in the Execution of the Acts for the Relief of the Poor in *Ireland*, shall be deemed to be an Inspector under the Provisions of the said Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, although he may not have the Qualification required by the said last-mentioned Act, and shall be empowered to assist in carrying out the Provisions of the said Act as fully and effectually as if he had the Qualification required and had been appointed under the said Act; and in like Manner every Inspector appointed or to be hereafter appointed under the Provisions of the said Act Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, shall be deemed to be an Inspector under the Provisions of the said Act Tenth and Eleventh *Victoria*, Chapter Ninety, and shall be empowered to assist in carrying out the Provisions of the said last-mentioned Act as fully and effectually as if he had been appointed under the said Act.

Power to Inspectors under 10 & 11 Vict. c. 90. and 14 & 15 Vict. c. 68. to assist in execution of 29 & 30 Vict. c. 90.

2. Every Inspector appointed under the Provisions of the said Act Tenth and Eleventh *Victoria*, Chapter Ninety, or under the Provisions of the said Act Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, shall be empowered to assist in carrying out the Provisions of the Sanitary Act, 1866, and shall have for that Purpose all and the like Powers of Inquiry, and all other Powers of Inspectors acting in the Execution of the Acts in force for Relief of the Poor in *Ireland:* Provided always, that it shall be lawful for the said Poor Law Commissioners in any Case in which they shall direct Inquiry to be made into any Matter connected with the Administration of the Laws for the Relief of the Poor, or connected with the Execution of the said Act of Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, or with the Provisions of the Sanitary Act, 1866, to associate together for the Purpose of such

such Inquiry, if they shall see fit so to do, an Inspector appointed under the said Act Tenth and Eleventh *Victoria*, Chapter Ninety, and an Inspector appointed under the said Act Fourteenth and Fifteenth *Victoria*, Chapter Sixty-eight, and such Inspectors shall in such Case make a joint Inquiry concerning the Matters in question.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXV.

An Act to amend the Law relating to Petit Juries in *Ireland*. [31st *July* 1868.]

WHEREAS it is expedient to amend the Laws relating to Petit Juries in *Ireland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Juries Act (*Ireland*), 1868."

To extend to Ireland only.

2. This Act shall extend to *Ireland* only.

Provisions of 24 & 25 Vict. c. 66., as to Witnesses who object to be sworn, extended to Jurors.

3. If any Person summoned or required to serve as a Juror in any Civil or Criminal Proceeding shall refuse or be unwilling, from alleged conscientious Motives, to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to administer an Oath to a Juror, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being

being sworn, to make his or her solemn Affirmation or Declaration in the Words following:

'I *A.B.* do solemnly, sincerely, and truly affirm and declare 'that the taking of any Oath is, according to my religious 'Belief, unlawful; and I do also solemnly, sincerely, and truly 'affirm and declare,' &c.

Which solemn Affirmation and Declaration shall be of the same Force and Effect, and if untrue shall entail all the same Consequences as if such Person had taken an Oath in the usual Form; and whenever in any legal Proceedings it is necessary or usual to state or allege that Jurors have been sworn, it shall not be necessary to specify that any particular Juror has made Affirmation or Declaration instead of Oath, but it shall be sufficient to state or allege that the Jurors have been "sworn or affirmed."

Power to send Juries to the adjoining County for the Night where necessary to keep them together.

4. Where any Jury shall be empannelled and sworn to try any Issue of Treason or Felony in the Court House of any County, which Court House shall be situate within or shall adjoin a different County or County of a City, if it shall become necessary to keep such Jury together for any Night or Nights or for any *Sunday*, it shall be lawful for the Court to direct that such Jury shall be taken for such Night or Nights, or such *Sunday*, to any convenient Place, to be named by the Court, within such surrounding or adjoining County or County of a City; and such Jury, in going to, remaining at, and returning from such Place, shall be kept in the like Custody, and treated in all respects in the same Manner, and all Officers intrusted with the Duty of keeping such Jury together shall have the same Powers, as if such surrounding or adjoining County or County of a City formed Part of the County to which such Court House shall belong.

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VICTORIÆ REGINÆ.

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CAP. LXXVI.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. [31st *July* 1868.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, including the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Retired Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, also to Adjutants, Paymasters, Surgeons, and Quartermasters of the Regular Militia, who have been allowed to retire, and to Adjutants disabled after long Service:

Militia Pay.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State for War to issue the Money required for Pay, &c. of Regular Militia, as herein stated.

1. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied) in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the Permanent Staff of the said Regular Militia at the daily Rates following; (that is to say,)

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
For each Adjutant - - - -	0	10	0	0	10	0
„ Quartermaster, where One is appointed in Corps consisting of not less than 360 Private Men - - - -	0	5	0	0	5	0
and of less than 360 Private Men -	0	3	6	0	3	6
„ Serjeant Major, where One is appointed in Corps consisting of Two or more Companies - - - -	0	3	2	0	3	8
„ Quartermaster Serjeant (in Corps whose Establishment exceeds Four Companies)	0	2	8	0	3	0
and for the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) - -	0	2	8	0	3	0
„ Serjeant Instructor of Musketry or Gunnery	0	2	0	0	2	8
„ Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) -	0	2	0	0	2	8
„ Serjeant, Orderly Room Clerk, Drum Major, or Bugle Major - - -	0	2	0	0	2	8
„ Drummer, Trumpeter, Bugler, or Fifer above Sixteen Years of Age - -	0	1	3	0	1	5
and if under Sixteen Years of Age -	0	1	0	0	1	0

Provided always, that when any Non-commissioned Officer or Man on the Permanent Staff shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Non-commissioned Officer or Man on the Permanent Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Permanent Staff shall be entitled to be clothed once in Two Years.

Members of the Permanent Staff

2. Except when employed as herein-after provided, every Member of the Permanent Staff of the Regular Militia, when disembodied,

disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Member shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers and Men at the same Time.

to reside where the Secretary of State for War shall appoint.

3. Every Member of the Permanent Staff, when not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

And may be employed in their Counties.

4. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant; and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps), and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time,

Quartermaster, &c. to have Charge of the Arms and Clothing.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

Balance to form a Stock Purse.

Power to Secretary of State for War to order Arms, &c. to be deposited in War Office

Stores, while disembodied.

Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

Commanding Officers may appoint Non-commissioned Officers.

5. It shall be lawful for the Commanding Officer of every Regiment of Militia from Time to Time to appoint, subject to such Regulations as shall from Time to Time be made by the Secretary of State, and, at Pleasure, to remove all Non-commissioned Officers on the disembodied Staff of the said Regiment.

In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

6. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Permanent Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Permanent Staff shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Persons receiving Pay as Members of Permanent Staff of Militia to be subject to Mutiny Act.

7. All Persons receiving Pay as Members of the Permanent Staff of any Militia Regiment shall be subject to the Provisions of the Mutiny Act and Articles of War for the Time being in force, and shall be entitled to be billeted in like Manner as Officers and Soldiers of Her Majesty's Army, and the Innkeepers and others who are liable to have Officers and Soldiers billeted on them shall provide the Members of the Permanent Staff with convenient Lodging, Fire, and Candle, and in default thereof be liable to the Penalties imposed upon Civil Subjects offending against the Laws relating to Billets, as prescribed by the Mutiny Act for the Time being in force.

Extension of Powers for providing Quarters for Permanent Staff to Barracks for Men during Training.

8. All Powers and Provisions for providing Quarters for the Permanent Staff or a Portion of the Permanent Staff of any Militia of any Part of the United Kingdom, and for defraying out of Rates or Assessments, or Monies raised on the Security thereof, the Cost of such Quarters, and the Expenses incidental to the Use and Maintenance thereof, and otherwise relating or applicable to such Quarters, or any Place, Building, or Premises provided for the same, shall be applicable for providing Barracks for the Use of any such Militia, or any Portion thereof, during the Period of Training and Exercise,

and

and to any such Barracks, or any Place, Building, or Premises provided for the same.

Provision for Payment of Billet Money towards Expenses of Barracks.

9. Where Barracks are hereafter provided as aforesaid for any Militia or any Portion thereof, with the Approval of the Secretary of State for War, or such Secretary of State approves of any such Barracks which may heretofore have been provided, it shall be lawful for such Secretary of State to cause such Money as would otherwise be payable for billeting the Non-commissioned Officers and Men accommodated in such Barracks to be paid to the Treasurer of the County, or in *Scotland* the Commissioners of Supply of the County, for which such Barracks may be provided, or in the Case of any united Corps of Militia or united Militias then to be apportioned between or among the Counties which may have contributed to the Expenses of such Barracks, in proportion to their respective Contributions thereto, and to be paid to the respective Treasurers or Commissioners of Supply thereof accordingly.

Militia when called out for Training or Exercise entitled to Pay, &c. as herein stated.

10. The Officers and Volunteer Non-commissioned Officers and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - - - -	1	2	6	1	2	6
Lieutenant-Colonel - - - -	0	15	11	0	15	11
Major - - - - -	0	14	1	0	14	1
Captain (including non-effective Allowance) -	0	10	6	0	10	6
Lieutenant - - - -	0	6	6	0	6	6
Ensign - - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies -	0	2	6	0	2	6
Adjutant, if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards - - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies - - -	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff) -	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6
" (if on the Permanent Staff in Corps of not less than 360 Private Men)	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men) -	0	3	0	0	3	0
- - - - -	0	11	4	0	11	4
Surgeon - - - - -	0	7	6	0	7	6
Assistant Surgeon - - -						

Militia Pay.

	Infantry. £	s.	d.	Artillery. £	s.	d.
Serjeant Instructor of Musketry or Gunnery, in addition to the daily Rate of Pay granted by Sec. 1.	0	1	0	0	1	0
Serjeant (not on the Permanent Staff) - -	0	1	8¾	0	2	8
Corporal - - - - - -	0	1	4¼	0	1	6¼
Private - - - - - -	0	1	2	0	1	4
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Man (including the Permanent Staff) present at Training and Exercise - -	0	0	1	0	0	1

Volunteers punished for Absence from Training, and shall afterwards serve for an additional Period, to receive Bounty under 15 & 16 Vict. c. 50.

11. Whenever a Volunteer who has been punished for Absence from any annual Training shall subsequently thereto serve for an additional Year or Years for any annual Period or Periods of Training and Exercise from or during which he absented himself, he shall be entitled to receive the same Bounty which, under the Regulation under the Act of the Fifteenth and Sixteenth *Victoria*, Chapter Fifty, would have been payable to him during or in respect of Attendance at Training and Exercise.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

12. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, be allowed Pay whilst so under instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers may be transferred to another Regiment without being re-sworn.

13. Volunteers may, if they desire, be transferred to another Regiment, with the Consent of the Commanding Officers of both Regiments, whether of *Great Britain* or *Ireland*, without being required to take any Oath other than that which they took on their original Enrolment.

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

14. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the

the Fourth: All such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Form of Declaration.

'I do solemnly and sincerely declare, That I formerly served as a in the Militia; that I am not in Holy Orders; and that from the Day of to the Day of I did not hold or enjoy any Place or Employment of Profit, Civil or Military, under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, besides my Allowance of per Diem as a of the said Militia, except my Half Pay or Civil Pension as a .'

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

15. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

16. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Members of the Permanent Staff, &c. not to lose their Right to Chelsea or Kilmainham Pensions, &c.

17. Provided always, That no Member of the Permanent Staff in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon

Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

18. There shall be granted for each Regiment of Regular Militia a Sum of Money after the Rate of One Guinea for every One hundred Rank and File effective Men during the Period of Training and Exercise, for the Expense of necessary Medicines for the sick Non-commissioned Officers and Men thereof, including the Non-commissioned Officers and Men of the Permanent Staff and their Wives and Families, and also an Allowance of Twopence *per* Week, excluding the Period of Training and Exercise, for the Expenses of necessary Medicines and Attendance for the sick Non-commissioned Officers and Men of the Permanent Staff and their Wives and Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1869.

19. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction from the Thirty-first Day of *July* One thousand eight hundred and sixty-eight, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and sixty-nine, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Allowances to Adjutants, Surgeons, and Quartermasters.

20. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

21. The

Militia Pay.

Allowances granted to Adjutants on Completion of certain Periods of Service.

21. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland* on the Completion of the following Periods of Service in Her Majesty's Regular or *Indian* Forces, or in the Army of the *East India* Company, and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

Provided that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

22. And

Militia Pay.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

22. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

23. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as Adjutant in the of Local Militia at the Reduction of the Staff of the said Militia in One thousand eight hundred and twenty-nine; and that I was not in Holy Orders during any Part of the Period for which I now claim to receive an Allowance, that is to say, from the Day of One thousand eight hundred and to the Day of One thousand eight hundred and ; and that I did not hold or enjoy, nor did any Person for me hold or enjoy, during any Part of the said Period, any Place, Office, or Employment of Profit, Civil or Military, under the Crown or any other Government, besides the Allowance of a Day now claimed, except my Half Pay as a [of the Army *or* Navy *or* Marines, *or* of a Provisional Battalion formed from the Militia, *as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

24. Any

Militia Pay.

Adjutant after Five Years Service may be appointed to serve with Rank of Captain.

24. Any Adjutant who has served as such in the Militia or Volunteer Force, or in both of such Forces, for Five consecutive Years immediately preceding the Appointment herein-after referred to may, on the Recommendation of the Colonel or other Commandant of the Militia Regiment in which he has been serving as aforesaid, be appointed by the Lord Lieutenant of the County, Riding, or Place from which such Regiment has been raised to serve with the Rank of Captain, subject nevertheless to all the same Restrictions as to Rank, Command, and Pay as are now in force with reference to other Adjutants now serving with the Rank of Captain.

Allowance to Clerks of General Meetings, &c.

25. Where the Militia is raised by Ballot in *Great Britain* Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

26. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the Public Service according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial Schoolmaster [*or* Constable *or other Officer*] of the District of

'of in the Subdivision of the County
'of ; and that the preceding Account is a just and
'true Account of Business actually performed by myself for and in
'behalf of the Public Service according to the Manner therein set
'forth; and that I was employed on such Business the full Time
'therein stated; and that the Sums claimed as disbursed were
'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

27. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of
'my Ability, faithfully and truly report as to the Fitness for
'Service of the Man or Men about to be submitted to my Exami-
'nation, and that I will not receive from any of them any Fee or
'Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Di-

28. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the

the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head. rection of the Secretary of State for War.

29. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper. Bills drawn for Pay, &c. may be on unstamped Paper.

30. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act. No Fee to be taken.

31. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*. All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

32. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and sixty-eight until the First Day of *September* One thousand eight hundred and sixty-nine. Continuance of Act.

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council and Her Majesty's Principal Secretary of State for the War Department (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under	0	5	0
Ditto - 51 to 150 Names	0	10	0
Ditto - 151 to 250 Names	1	0	0
Ditto - 251 Names and upwards	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps	0	15	0
Ditto - Two - Ditto	1	10	0
Ditto - Three - Ditto	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	2	0	0
Ditto - from 301 to 600 Men	3	0	0
Ditto - from 601 to 900 Men	4	0	0
Ditto - from 901 Men and upwards	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under	2	0	0
In a County furnishing from 201 to 400 Men	3	0	0
Ditto - from 401 to 600 Men	4	0	0
Ditto - from 601 to 800 Men	5	0	0
Ditto - from 801 Men and upwards	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department, in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - - -	2	0	0
Ditto - Two - Ditto - - -	3	0	0
Ditto - Three - Ditto - - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamless and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

Training and Exercise.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.			
27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0
ALLOWANCES TO CONSTABLES IN SCOTLAND.			
32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the CLERKS of GENERAL SUBDIVISION MEETINGS of LIEUTENANCY respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 - -	15	0	0
Where the Quota is			
Above 200 and not exceeding 400 - - -	20	0	0
Above 400 and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500 the following Additions for every 100 or fractional Part of 100:			
Above 500 and not exceeding 1,000 - -	4	0	0
Above 1,000 and not exceeding 2,000 - -	3	0	0
Above 2,000 and not exceeding 3,000 - -	2	0	0
Above 3,000 and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - - - - - -	2	2	0
The actual Expense incurred in printing or advertising, and for Postage, may be charged.			

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Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXVII.

An Act to amend the Law relating to Appeals from the Court of Divorce and Matrimonial Causes in *England*. [31st *July* 1868.]

WHEREAS it is expedient to amend the Law relating to Appeals from the Court for Divorce and Matrimonial Causes with a view to prevent unnecessary Delay in the final Determination of Suits for Dissolution or Nullity of Marriage:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation.

1. Throughout this Act the Expression "the Court" shall mean the Court for Divorce and Matrimonial Causes.

Sect. 56 of 20 & 21 Vict. c. 85., Sect. 17 of 21 & 22 Vict. c. 108., and Sect. 3 of 23 & 24 Vict. c. 144. repealed.

2. Section Fifty-six of the Act of Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, Section Seventeen of the Act of Twenty-first and Twenty-second *Victoria*, Chapter One hundred and eight, and Section Three of the Act of Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and forty-four, are hereby repealed.

3. Either

Appeals to House of Lords to be within One Month.

3. Either Party dissatisfied with the final Decision of the Court on any Petition for Dissolution or Nullity of Marriage may, within One Calendar Month after the pronouncing thereof, appeal therefrom to the House of Lords, and on the Hearing of any such Appeal the House of Lords may either dismiss the Appeal or reverse the Decree, or remit the Case to be dealt with in all respects as the House of Lords shall direct: Provided always, that in Suits for Dissolution of Marriage no Respondent or Co-Respondent, not appearing and defending the Suit on the Occasion of the Decree Nisi being made, shall have any Right of Appeal to the House of Lords against the Decree when made absolute, unless the Court, upon Application made at the Time of the pronouncing of the Decree absolute, shall see fit to permit an Appeal.

No Appeal in undefended Suits for Dissolution unless by Leave of Court.

Liberty to Parties to marry again.

4. Section Fifty-seven of the said Act of Twenty-first *Victoria*, Chapter Eighty-five, shall be read and construed with reference to the Time for appealing as varied by this Act; and in Cases where under this Act there shall be no Right of Appeal, the Parties respectively shall be at liberty to marry again at any Time after the pronouncing of the Decree absolute.

Short Title.

5. This Act may be cited as "The Divorce Amendment Act, 1868."

Qualified retrospective Operation.

6. This Act shall extend to all Suits pending at the Time when the same shall come into operation, notwithstanding that a Decree may have been pronounced therein; provided nevertheless, that this Act shall not affect any pending Appeal, nor shall the same prejudice any subsisting Right of Appeal against a Decree already pronounced, provided such Appeal be lodged within One Calendar Month after this Act shall come into operation.

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VICTORIÆ REGINÆ.

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CAP. LXXVIII.

An Act to amend the Law relating to Proceedings instituted by the Admiralty; and for other Purposes connected therewith. [31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Admiralty Suits Act, 1868.

"The Admiralty."

2. In this Act the Term "the Admiralty" means the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral.

Power to Admiralty to institute Actions, &c. as to Naval Stores, &c.

3. The Admiralty may institute any Action, Suit, or Proceeding concerning Naval or Victualling Stores, or other Her Majesty's Stores, Goods, or Chattels under the Charge or Control of the Admiralty, or any Stores, Goods, or Chattels sold or contracted to be delivered to or by the Admiralty for the Use or on account of Her Majesty, or the Price to be paid for the same, or any Loss or Injury

Injury of or to any such Stores, Goods, or Chattels as aforesaid, or concerning any Contract with the Admiralty relative to the Execution of any Work, or the doing of any Thing, or concerning any Matter arising under or in relation to any such Contract, or concerning any periodical or other Payment or Due payable to the Admiralty, or concerning any Debt, Damages, Claim, Demand, or Cause of Action or Suit whatever arising out of any Matter in anywise relating to the Rights, Powers, or Duties of the Admiralty, or to Property vested in or purchased by or being under the Management or Control of the Admiralty, in like Manner and Form (as nearly as may be) as if the Question in dispute were one between Subject and Subject.

Style of Admiralty in Suits, &c.

4. In any such Action, Suit, or Proceeding the Admiralty may be styled "the Lord High Admiral of the United Kingdom" or "the Commissioners for executing the Office of Lord High Admiral of the United Kingdom" (as the Case requires), without more; and any such Action, Suit, or Proceeding shall not be affected by any Change in the Admiralty.

Costs in Suits, &c.

5. In any such Action, Suit, or Proceeding the Admiralty shall be liable and entitled to pay or receive Costs according to the ordinary Law and Practice relative to Costs.

Nothing to affect legal Rights, &c. of the Crown, &c.

6. Nothing in this Act (except as expressly otherwise provided) shall take away or abridge in any such Action, Suit, or Proceeding any legal Right, Privilege, or Prerogative of the Crown; and in all such Actions, Suits, and Proceedings, and in all Matters and Proceedings connected therewith, the Admiralty may exercise and enjoy all such Rights, Privileges, and Prerogatives as are for the Time being exerciseable and enjoyable in any Proceeding in any Court of Law or Equity by the Crown as if the Crown were actually a Party to such Action, Suit, or Proceeding.

Power reserved to Her Majesty to proceed by Information, &c.

7. Notwithstanding anything in this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, if and when it seems fit, to proceed by Information in the Court of Exchequer, or by any other Crown Process, legal or equitable, in any Case in which it would have been competent for Her Majesty, Her Heirs or Successors, so to proceed if this Act had not been passed.

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VICTORIÆ REGINÆ.

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CAP. LXXIX.

An Act to further amend the Law relating to Railway Companies. [31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Continuance of Restriction on Execution against Property.

1. Section Four of The Railway Companies Act, 1867, and Section Four of The Railway Companies (*Scotland*) Act, 1867, shall be read and have effect as if the First Day of *September* One thousand eight hundred and seventy were therein mentioned instead of the First Day of *September* One thousand eight hundred and sixty-eight.

Short Title.

2. This Act may be cited as The Railway Companies Act, 1868.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to authorize Loans of Public Money to the *Portpatrick* and the *Belfast and County Down* Railway Companies, and a Payment to the *Portpatrick* Company in consequence of the Abandonment of the Communication between *Donaghadee* and *Portpatrick*. [31st *July* 1868.]

WHEREAS the Treasury Minute set out in the Schedule to this Act annexed was passed on the Fifteenth Day of *August* One thousand eight hundred and fifty-six:

And whereas by an Act of Parliament passed in the Twentieth and Twenty-first Years of Her Majesty, intituled *An Act to authorize the Construction of a Railway from* Castle Douglas *in the Stewartry of* Kirkcudbright *to* Portpatrick *in the County of* Wigtown, the Persons therein named were incorporated by the Name of "The *Portpatrick* Railway Company," and it is by the said Act amongst other things provided, that if the Railway and Branch Railway by the said Act authorized should not be completed and opened to the Public within the Period of Five Years from the passing of the said Act, then and from thenceforth it should not be lawful for the Company or the Directors thereof to pay 20 & 21 Vict. c. cxlix.

pay any Dividend to the Shareholders until such Railway and Branch Railway to the North Pier at *Portpatrick* Harbour should have been completed and opened for public Traffic, and the *Belfast and County Down* Railway Company contributed a Sum of Fifteen thousand Pounds towards the said Undertaking, as by the said Act required:

And whereas by a further Treasury Minute, bearing Date the Twenty-first Day of *July* One thousand eight hundred and fifty-seven (previously to the passing of the said Act), their Lordships had approved of the said last-recited Clause being inserted therein, and stated that immediately on the passing of the said Act their Lordships would be prepared, in Communication with the Railway Company, to take such Steps as should be required in order to secure the Completion of the Works in the said Harbour of *Portpatrick*, so that they should be concluded at least as soon as the Railway Company should be in a Condition to use it in connexion with their Line:

18 & 19 Vict. c. xviii.

And whereas by an Act passed in the Eighteenth Year of the Reign of Her present Majesty, intituled *An Act to enable the* Belfast and County Down *Railway Company to extend their Railway in the County of* Down, it was provided, that in case the Railways by the said Act authorized should not be completed and opened for public Traffic within a Period of Five Years from the passing of the said Act, then and from thenceforth it should not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railways should have been completed and opened for public Traffic, and the Time for Completion of said Railways was, by a further Act of the Twenty-first and Twenty-second of Her Majesty, extended to the Thirty-first Day of *July* One thousand eight hundred and fifty-nine:

And whereas both the said Railways have been completed by the said Companies respectively, making on the one Side a Railway Communication with the Harbour of *Portpatrick*, and on the other with the Harbour of *Donaghadee*, and the said Companies were induced to make the said Railway Communications on the Faith of the said recited Treasury Minute of the Fifteenth Day of *August* One thousand eight hundred and fifty-six, and for the Purposes of the said Railway Works the said Companies have borrowed large Sums of Money on the Security of their Debentures:

And whereas, at the Time of the said herein-before recited Minute of the Fifteenth Day of *August* One thousand eight hundred and fifty-six, the Works at the Harbour of *Portpatrick* were estimated to cost a Sum not exceeding the Sum of Twenty thousand Pounds, and

and the Lords Commissioners of the Admiralty proceeded with the Execution of the Works so estimated; but, notwithstanding an Expenditure of public Money far exceeding the said Sum has been made, it has been reported that the Harbour of *Portpatrick* is quite unsuited for a speedy and punctual Service, and that it could not at any reasonable Cost be rendered suitable for the Service proposed:

And whereas the Payment of a Subsidy for the proper Maintenance of a Mail Service between the said Ports of *Donaghadee* and *Portpatrick* would be quite out of proportion to and far exceed any Advantage to be gained by such Service:

And whereas under the Circumstances herein-before stated it has been considered expedient to abandon the Establishment of a Mail Service between the said Ports of *Donaghadee* and *Portpatrick*, and inasmuch as such Abandonment will seriously and most injuriously affect the Interests of the said Two Railway Companies, to a great Extent rendering unprofitable and worthless the Expenditure which has been incurred in making the Railways herein-before mentioned, it is considered that both said Companies, under the Circumstances herein-before stated, have just and fair Claims to the Consideration of Parliament, and for the Adjustment thereof it has been proposed by the said Companies respectively, and (subject to the Approval of Parliament) agreed to by the Lords Commissioners of Her Majesty's Treasury, that such Claims should be settled and arranged as is herein-after provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to charge not exceeding 320,000*l.* upon the Consolidated Fund for the Purpose of Loans by this Act authorized.

1. For the Purposes of the Loans by this Act authorized the Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under the Hands of Two or more of them, cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt any Sum or Sums of Money not exceeding in the whole the Sum of Three hundred and twenty thousand Pounds, such Money to be applied exclusively under this Act, and be at the Disposal of the Public Works Loan Commissioners in like Manner in all respects as Money placed at their Disposal under the Act of the Session of the Twenty-fourth and Twenty-fifth Year of Her Majesty, Chapter Eighty, and the Acts therein recited, subject nevertheless to the Provisions of this Act, which Provisions shall have full Effect notwithstanding anything in the "Public Works Loan Act, 1853," or any Act therein mentioned, to the contrary contained.

2. All

Portpatrick and Belfast and County Down Railway Companies.

Power to Public Works Loan Act extended to this Act.

2. All the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in and conferred and imposed by the said Acts or any of them, so far as the same may be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, as if the same were herein repeated and set forth.

Power to Portpatrick Company to borrow from the Public Works Loan Commissioners.

3. It shall be lawful for the said *Portpatrick* Company to borrow on Mortgage, and for the Public Works Loan Commissioners, out of the Funds at their Disposal under this Act, to lend and advance to the said last-mentioned Company (under the Direction and with the Consent of the Commissioners of Her Majesty's Treasury), a Sum not exceeding in the whole the Sum of One hundred and fifty-three thousand Pounds on the Security of the said Company's Railway Works and Undertaking, as well as all Rates, Rents, Tolls, and Profits, and all other Property of the said Company, the said Sum of One hundred and fifty-three thousand Pounds to be the first Charge thereon, and to be repaid by equal half-yearly Instalments within a Period of Thirty-five Years from the Date of such Advances, together with Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum* on the said Sum of One hundred and fifty-three thousand Pounds, or on such Part thereof as may from Time to Time remain due and unpaid.

Application of said Sum.

4. Such Portion of the said Sum of One hundred and fifty-three thousand Pounds as may be requisite for the Purpose shall be applied in discharge of all existing Debts of the said Company secured either by way of Mortgage, Debenture, or otherwise howsoever, and the Balance of the said Sum shall be applied by the said Company for the general Purposes of their Undertaking.

Power to the Belfast and County Down Company to borrow on Mortgage.

5. It shall be lawful for the said *Belfast and County Down* Railway Company to borrow on Mortgage, and for the said Public Works Loan Commissioners, out of the Funds at their Disposal under this Act, to lend and advance to the said last-mentioned Company (under the Direction and with the Consent of the Commissioners of Her Majesty's Treasury), a Sum not exceeding the Sum of One hundred and sixty-six thousand Pounds on the Security of all and every the said Company's Railway Works and Undertaking, as well on all Rates, Rents, Tolls, and Profits, and all other Property of the said Company, the said Sum of One hundred and sixty-six thousand Pounds to be the first Charge thereon, and to be repaid by equal half-yearly Instalments within a Period of Thirty-

Thirty-five Years from the Date of such Advance, together with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum* on the said Sum of One hundred and sixty-six thousand Pounds, or on such Part as may from Time to Time remain due and unpaid.

Application of Monies borrowed.

6. The said Sum of One hundred and sixty-six thousand Pounds to be applied in the Discharge of all existing Debts of the said Company, whether secured by Mortgage, Debenture, or otherwise however.

Treasury to pay the Portpatrick Company a Sum not exceeding 20,000*l.*

7. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, out of Monies to be provided by Parliament for the Purpose, to pay, by way of free Grant, to the said *Portpatrick* Railway Company a Sum not exceeding the Sum of Twenty thousand Pounds.

SCHEDULE referred to in the foregoing Act.

Treasury Minute, dated August 15, 1856.

My Lords have under their Consideration several Memorials, signed by Persons interested in the Communication between the North of Ireland and Scotland, and praying that their Lordships will take Measures to determine the Ports best adapted for the Establishment of a short Sea Passage between the two Countries, with a view to promote the quickest Postal and Passenger Communication.

One of these Memorials prays for a public Loan to the County Down Railway Company, in order to enable them to complete their Line to Donaghadee.

Fully recognizing the great Advantages which would be derived by the extensive Manufacturing Districts in the North of Ireland, in the West of Scotland, and in the North of England, by establishing a Communication between the Two Ports which should reduce the Sea Passage to the shortest possible Time, and in connexion with a System of Railways on both Sides, which to a certain Extent already exists and the Completion of which my Lords understand is in contemplation, by which a direct Communication will be opened between all the above important Districts, my Lords referred the Subject to the Admiralty, for their Lordships Opinion upon the nautical Questions raised in the Memorials.

My Lords have now before them the Reply of the Admiralty, in which the Lords Commissioners report, that the most favourable Ports for the Establishment of a short Sea Passage are those of Portpatrick and Donaghadee; and they suggest that Instructions should be given to them to institute an Inquiry as to the best and cheapest Manner in which those Ports may be made suitable for the Purpose. These Instructions my Lords have already issued.

Before any Expense, however, is incurred, it becomes necessary that my Lords should clearly state their Views upon the Subject, for the Information of all the Parties who have appeared before them, either by Memorial or by personal Application, and of others who take an Interest in it.

It has been represented to my Lords that in the event of the Government deciding upon the best Ports for the Passage referred to, and especially in the Case of Portpatrick and Donaghadee being adopted, and provided the Government should be willing to use it as a Mail Communication, that, in the first place, a Steam Boat Service, suited both for Passengers and Mails, would be established by a private Company, without any Aid from the Government except a fair Price for carrying the Mails; and that, in the second place, the Railways on each Side of the Channel would be completed so as to connect Donaghadee on the one Side with Belfast and the Main Line, and Portpatrick,

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on the other Side with Glasgow to the North, and with Dumfries to the East, by which all the important Objects in view would be fully attained. All this, it has been understood, will be performed by private Enterprise, if only the Government, on its Part, will—

1. Determine the Ports most suitable for the Service.
2. Adopt the Line between such Ports as a Mail Passage.
3. Make such Improvements in the Ports as shall best fit them for the Purpose.

These Conditions my Lords are prepared to adopt. They have already, upon the Advice of the Admiralty, decided that the best Ports will be Portpatrick and Donaghadee, and have instructed the Lords Commissioners to report upon the Improvements and Alterations required to render them suitable for the Service, and when a Steam Service shall be established for carrying the Mails they will be prepared to use it for that Purpose upon fair and reasonable Terms.

But, before my Lords proceed actually to incur any Expense upon the Ports named for their Improvement in pursuance of any Report that may be made by the Admiralty, it will be quite necessary that they should be well satisfied that all the Arrangements herein referred to, and which would be necessary to give public Utility to the Scheme, will be completed.

With regard to the Memorials for Aid in completing the Railways by a public Loan there is no Fund disposable for such a Purpose except that annually voted by Parliament for Public Works and administered under this Board by Commissioners appointed for the Purpose. It will, therefore, be necessary for those requiring such a Loan to apply to the Public Loan Commissioners, with whom rests the Responsibility of judging of the Security to be accepted in such Cases, and who alone can determine how far the other Demands upon the Fund at their Disposal will enable them to entertain the Requests.

Let a Copy of this Minute be forwarded to the Chief Secretary for Ireland, to the Chamber of Commerce, Belfast, to the other Memorialists, and to the Postmaster General.

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VICTORIÆ REGINÆ.

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Rogue Money which may have been imposed before the passing hereof.

Salaries of County Officials, &c. to be defrayed out of County General Assessment.

3. The following Salaries, Fees, Outlays, and Expenses, viz.,

(1.) The Salaries or Fees of Clerks, Treasurers, Collectors, Auditors, and other Officials necessarily employed in conducting the Affairs of each County, together with the necessary Outlays of such Officials, in so far as not covered by their Salaries or Fees;

(2.) The Salaries or Fees and necessary Outlays of Procurators Fiscal in the Sheriff and Justice of Peace Courts, and Clerks of Justice of Peace Court, in so far as such Salaries, Fees, and Outlays are at present in use to be paid by each County;

(3.) The Expenses incurred in searching for, apprehending, subsisting, prosecuting, or punishing Criminals;

(4.) The Expenses connected with the upholding, repairing, enlarging, renting, furnishing, insuring, lighting, cleaning, or warming any Courthouse or any Buildings belonging to or occupied for the Purposes of such County, and all Taxes, Rates, and Assessments legally chargeable thereon;

(5.) The Expenses connected with the holding of the Court for striking the Fiars Prices for such County, in so far as the said Expenses have hitherto been defrayed by such County, together with a Fee of Three Guineas to each of such Professional Accountants not exceeding Two, and a Fee of One Guinea to each of such other Persons not exceeding Six, as shall be summoned by the Sheriff as Witnesses at such Court, as such Fees shall be certified under the Hand of the Sheriff;

(6.) All Expenses occasioned by Damage done to Property within the County by tumultuous or riotous Assemblies, and all Expenses properly incurred in the Prevention of Riots;

(7.) All Expenses or Payments presently directed by any Act of Parliament to be defrayed out of the "Rogue Money;"

in so far as any of such Salaries, Fees, Outlays, and Expenses are not by Law or Usage payable or provided from other Funds than those raised by the Commissioners of Supply, may be defrayed by the said Commissioners out of the "County General Assessment," to be made and levied by them in Terms of this Act.

County General Assessment to be levied for the Purposes of this Act.

4. It shall be lawful for the Commissioners of Supply of every County in *Scotland* once in each Year to impose an Assessment for the Purposes of this Act, to be called the "County General Assessment," upon all Lands and Heritages within such County, according

according to the yearly Value thereof as established by the Valuation Roll for the Year (commencing at *Whitsunday*) in which such Assessment is imposed, subject to the Provision in the Sixth Section hereof, and that at such Rate in each Year as the said Commissioners shall deem necessary, in order to provide sufficient Funds for all the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years; and the said Assessment so to be laid on in each Year shall be payable as for the Period from *Whitsunday* then last to *Whitsunday* then next, and shall be due at such Date as the Commissioners shall determine, and may be levied either on the Proprietor or Tenant of all such Lands and Heritages; but such Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him, unless under existing special Agreement with his Landlord to the contrary: Provided always, that the said Commissioners shall not levy Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole of the Period to which such Assessment applies: Provided also, that the Words "Lands and Assessments" shall have the like Signification as in the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one.

Commissioners of Supply may relieve from Payment of Assessment in case of Poverty.

5. The Commissioners of Supply of any County may, on the Ground of Poverty or Inability of any Person liable in Assessment under this Act, in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the said Commissioners shall, in their Discretion, think just and reasonable, but upon no other Account whatsoever.

Detached Parts of Counties to be Part of the County in which locally situated.

6. In assessing for the Purposes of this Act, the Commissioners of Supply of each County shall assess the whole County, including all detached Parts of other Counties forming Part of such County for the Purposes of this Act, and excluding all detached Parts of their own County forming Parts of other Counties for the Purposes of this Act; and for the Purposes of this Act all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and the Provisions of the Seventieth and Seventy-first Sections of the Act of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-two, with respect to the Parishes of *Cumbernauld*

Cumbernauld and *Kirkintilloch*, and with respect to the Parishes or Parts of the Parishes of *Tuliallan*, *Culross*, *Logie*, *Fossoway*, *Muckhart*, and *Alva*, shall be and the same are hereby incorporated herewith, the Words "Purposes of this Act," and "Provisions of this Act," therein occurring, being read and construed herein as referring to the Purposes and Provisions of this Act: Provided always, that in case any Question shall arise under this Section, the same shall be determined by the Secretary of State acting in the Home Department, whose Decision shall be final; and his Finding or Findings, after being published once in the *Edinburgh Gazette*, and advertised for Three successive Weeks in One or more Newspapers circulating in the District, shall have the same Force and Effect as if they were contained in this Act.

Assessments under this Act to be recovered, &c. as Police Assessments under 20 & 21 Vict. c. 72.

7. All Assessments under this Act (whether upon detached Parts of Counties or otherwise) shall be collected, obtained, and recovered, and in the Case of Bankruptcy or Insolvency shall be paid and shall be preferable, the Collector thereof shall be appointed, the Insolvency of such Collector shall be provided against, the Monies produced thereby shall be lodged and dealt with, and all Disputes in regard thereto shall be determined, and the Accounts of the Commissioners of Supply and their Collectors with reference to the same shall be kept, audited, and published in the same Manner as these several Matters are provided for under the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy-two, with respect to the Police Assessments for the Purposes of that Act. Where by any existing Law or Usage Penalties, Fees, or other Monies fall to be paid or credited to the "Rogue Money," the same shall, from and after the passing of this Act, be paid or credited to the "County General Assessment."

Incorporation of Commissioners of Supply.

8. The Commissioners of Supply of each County in *Scotland* shall be and the same are hereby incorporated, under the Name and Title of the Commissioners of Supply of such County, and each Incorporation shall include all the Persons who at the passing of this Act are or who shall be hereafter placed upon the List of Commissioners of Supply of such County, so long as they retain their Qualification to act as such Commissioners, and shall have Power in their Corporate Name to sue and be sued, and to acquire, hold, and transfer Property, Heritable and Moveable, and shall possess such other Powers as by Law belong to an Incorporation: Provided always, that it shall be sufficient that any Deeds granted by the said Commissioners shall be signed by Two of their Number and by the Clerk of Supply, and that all Citations, Intimations, Notices, Schedules of Protest, of or for the said Commissioners shall be competently

competently made or served if delivered to the Clerk of Supply or left for him within his Office. And farther, it is provided, that in all Cases where heritable Subjects are presently held by Persons or Trustees, in Name or for Behoof of Commissioners of Supply, or where the Conveyances have been taken prior to the passing of this Act to such Commissioners, it shall be sufficient that any Deeds hereafter transferring such Subjects, or to be granted in relation thereto, be signed by Two of the Commissioners of Supply and by the Clerk of Supply: Provided also, that the Acceptance of any Office of Emolument in the Gift of the Commissioners of Supply of any County shall disqualify, as it is hereby declared to disqualify, such Person so holding said Appointment from acting and voting as a Commissioner of Supply for said County so long as he holds the said Office.

Commissioners of Supply to adopt One uniform Manner and Time of auditing Accounts.

9. Whereas the Assessments levied by Commissioners of Supply are regulated by various Acts of Parliament which prescribe different Modes of and Periods for making up, auditing, and publishing the Accounts of Income and Expenditure applicable to such Assessments respectively, and it is expedient to enable the Commissioners of Supply of each County, if they shall think fit, to adopt One uniform Manner and Time of making up, auditing, and publishing such Accounts for such County, be it enacted as follows: Notwithstanding the Terms of any Act of Parliament, it shall be lawful for the Commissioners of Supply of any County to resolve at any Meeting of their Number, ordinary or special, duly called, and by a Majority of those attending and voting, that the Accounts of all the Assessments imposed or which may be imposed by such Commissioners, or by any Board or Committee nominated by or composed of such Commissioners, shall be made up annually to a Date to be specified in the Resolution, and shall thereafter be audited in such Manner as the Commissioners shall direct; and that a printed Abstract thereof shall be transmitted to each Commissioner of Supply, and published for Two successive Weeks in such Newspaper or Newspapers circulating in the County as the Commissioners shall direct at least Ten Days before the next ensuing stated half-yearly Meeting of the Commissioners of Supply; and such Accounts, and the Audit and Publication thereof, directed by such Commissioners, shall come in place of and be for all Purposes as effectual as the Accounts and the Audit and Publication thereof prescribed by the several Acts of Parliament herein-before mentioned: Provided always, that Notice of the Intention to move such Resolution shall be inserted in the Notice calling the Meeting at which it is to be moved.

10. Nothing

Not to confer on Commissioners of Supply the Right to levy certain Assessments.

10. Nothing herein contained shall confer on the Commissioners of Supply of any County the Right to levy Assessments under this Act on any Lands or Heritages upon which it is not now competent for the Commissioners of Supply of such County to levy Rogue Money, nor shall anything herein contained prejudice the Right now possessed by any other Body than Commissioners of Supply to levy Rogue Money under or in virtue of any Law or Custom now in force, but such Right shall continue as heretofore.

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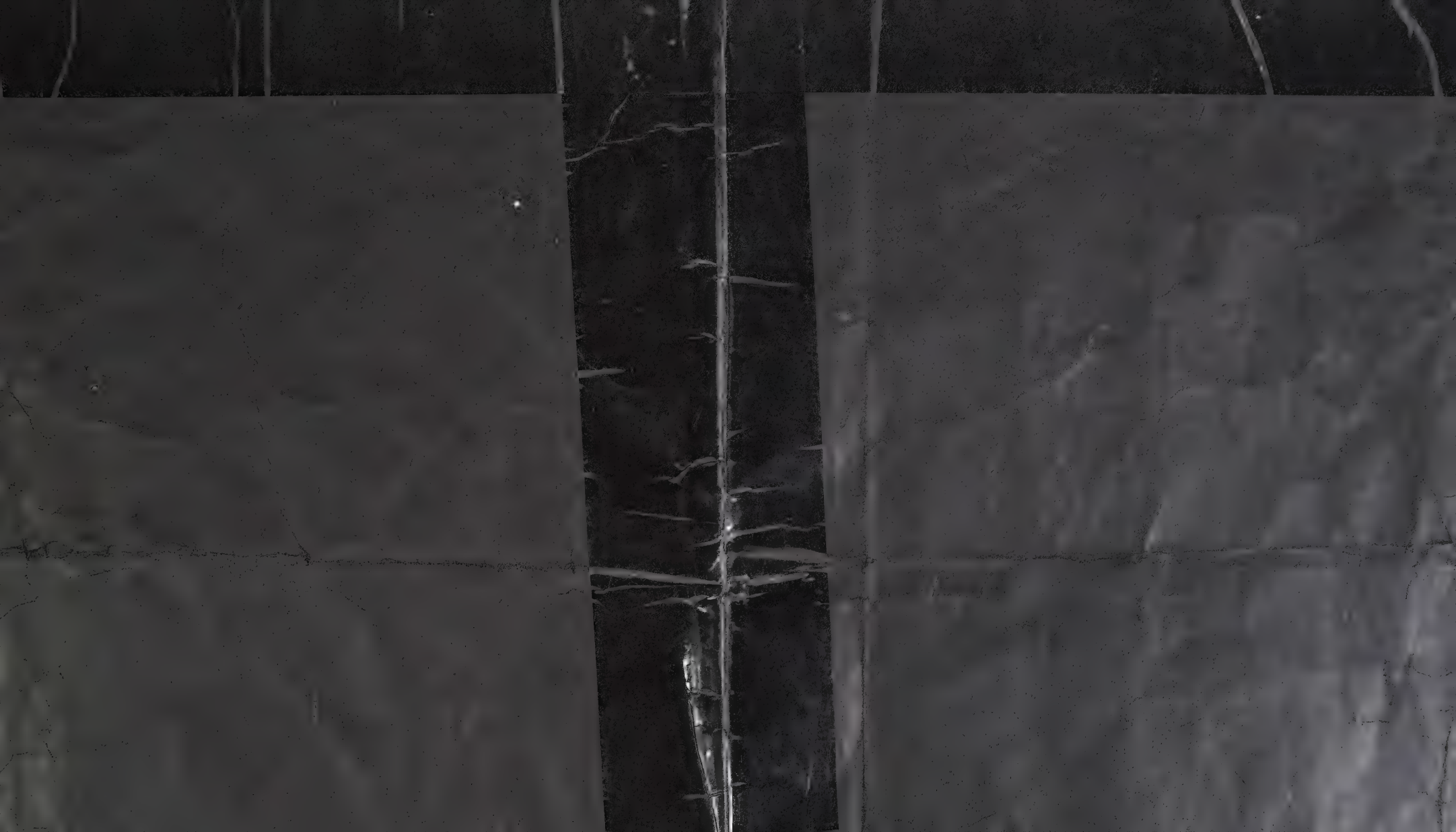

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXXIII.

An Act to afford greater Facilities for the Ministrations of Army Chaplains. [31st *July* 1868.]

WHEREAS it would conduce to the Well-being of Her Majesty's Army if greater Facilities were afforded for the Ministrations of Army Chaplains within the Stations to which such Chaplains are appointed, and if more particular Provision were made for the Superintendence of Army Chaplains officiating in Chapels or Places set apart or used for Divine Worship according to the Rites and Ceremonies of the United Church of *England* and *Ireland*:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Army Chaplains Act, 1868."

Interpretation of Terms.

2. For the Purposes of this Act the Term "Army Chaplain" shall mean a Commissioned Chaplain to Her Majesty's Military Forces in Holy Orders of the said Church; and the Term "Station" shall mean and include any Camp, Barrack, Hospital, or Arsenal, and

Property adjacent thereto, the Site whereof is held by or in trust for Her Majesty.

Extent of Act.

3. This Act shall extend to *England*, *Ireland*, the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and their Dependencies, and the *Isle of Man*.

Power to Her Majesty, with Consent, &c., to set out Precinct, and declare the same to be an Extra-parochial District.

4. It shall be lawful for the Queen's most Excellent Majesty in Council, upon the Recommendation of One of Her Majesty's Principal Secretaries of State, at any Time after the passing of this Act, with the Consent under the Hand and Seal of the Bishop of the Diocese within which such Station shall be locally situate, to set out by Metes and Bounds the Precinct thereof, and to declare the same for the Purposes of this Act to be an Extra-parochial District: Provided always, that a Copy of the Draft of any Scheme for constituting any such Precinct or District proposed to be laid before Her Majesty in Council shall be delivered or transmitted to the Incumbent and to the Patron or Patrons of the Church or Chapel of any Parish, Chapelry, or District out of which it is recommended that any such Precinct or District, or any Part thereof, should be taken, in order that such Incumbent, Patron or Patrons, may have an Opportunity of offering or making to One of Her Majesty's Principal Secretaries of State or to the said Bishop any Observations or Objections upon or to the Constitution of such Precinct or District; and such Scheme shall not be laid before Her Majesty in Council until after the Expiration of One Month next after such Copy shall have been so delivered or transmitted, unless such Incumbent and Patron or Patrons shall in the meantime consent to the same; and upon such Scheme having been ratified by Her Majesty in Council, such Precinct or District shall thereafter for all Ecclesiastical Purposes be and be adjudged and taken to be an Extra-parochial Place.

Map describing Metes and Bounds shall be annexed to Scheme and registered.

5. A Map or Plan, setting forth and describing such Metes and Bounds, shall be annexed to the Scheme for constituting any such Precinct or District, and shall be transmitted therewith to Her Majesty in Council, and a Copy thereof shall be registered by the Registrar of the Diocese, together with any Order issued by Her Majesty in Council for ratifying such Scheme: Provided always, that it shall not be necessary to publish any such Map or Plan in the *London Gazette*.

Power to Secretary of State to appoint any Army

6. It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint from Time to Time any Army Chaplain to perform the Functions of an Army Chaplain in any such Extra-parochial

parochial District, and thereupon it shall be lawful for any such Chaplain to officiate therein; and such Chaplain during the Continuance of his Appointment shall for all Ecclesiastical Purposes be, and be adjudged and taken to be, the Chaplain of an Extra-parochial Place within the Provisions of this Act.

Chaplain to perform Functions in Extra-parochial District.

7. Where a Chapel has been or shall be hereafter erected within the said Extra-parochial District, and consecrated for the Performance therein of Divine Service according to the Rites and Ceremonies of the said United Church, such Chapel shall be for the Purposes of this Act the Chapel of the said Extra-parochial District, and shall for all Ecclesiastical Purposes be, and be adjudged and taken to be, an Extra-parochial Chapel.

Chapel erected and consecrated in Extra-parochial District to be the Chapel thereof.

8. Where a Building shall have been certified under the Hand of One of Her Majesty's Principal Secretaries of State, to the Bishop of the Diocese within which such Building is locally situate, as used or intended to be used by Her Majesty's Military Forces as an unconsecrated Chapel for the Purpose of Divine Worship according to the Rites and Ceremonies of the said United Church, it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any Army Chaplain to perform all the Functions of an Army Chaplain therein; and if at any Time such Building shall cease to be used for the Purpose aforesaid, it shall be lawful for One of Her Majesty's Principal Secretaries of State to certify such Fact to the said Bishop, and thereupon the Provisions of this Act shall no longer apply to such Building.

Where Building certified to Bishop, Secretary of State may appoint a Chaplain to officiate therein.

9. It shall be lawful for the Queen's most Excellent Majesty in Council, upon the Recommendation of One of Her Majesty's Principal Secretaries of State, at any Time after the passing of this Act to declare all or any of the Extra-parochial Districts set out under the Provisions of this Act to be under the exclusive Jurisdiction of such Archbishop or Bishop of the said United Church as may be named in such Order during such Time as Her Majesty shall see fit, and thereupon it shall be lawful for such Archbishop or Bishop to exercise over any Army Chaplain appointed to officiate within any such Extra-parochial District all the Powers and Authority which he is by Law authorized to exercise over any Clerk in Holy Orders of the said United Church holding any Preferment within his Diocese: Provided always, that the previous Consent in Writing of the said Archbishop or Bishop named therein shall be obtained before the making of such Order, and further that after the making of such Order, and until the Revocation thereof, all other Ecclesiastical

Power to declare Extra-parochial Districts to be under Jurisdiction of such Archbishop or Bishop named in Order.

siastical Jurisdiction in respect of the Extra-parochial Districts named in such Order shall wholly cease.

Act not to affect Chaplains, &c. in connexion with the Church of Scotland.

10. Nothing in this Act contained shall be held to apply to Chaplains of Her Majesty's Forces in connexion with the Church of *Scotland*, or to affect the Ministrations of such Chaplains, or of any Licentiate or Minister of the Church of *Scotland* authorized by the War Office to officiate to Her Majesty's Presbyterian Soldiers in any Station within the Limits of this Act.

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Words "Feu Charter" shall comprehend a Feu Contract, a Feu Disposition, and every other Grant of a like Kind.

Power to grant Feus, Building Leases, &c.

3. It shall be lawful for any Heir in possession of an Entailed Estate, notwithstanding any Prohibitions or Limitations in the Deed of Entail or in any Act of Parliament, in the Manner and subject to the Conditions herein-after mentioned, to grant Leases for the Purpose of building for any Number of Years not exceeding Ninety-nine Years, or Feus of any Part of such Estate (but reserving the Minerals therein and the Right of working the same), except the Garden, Orchards, Policies, or Inclosures adjacent to or in connexion with the Manor Place, in so far as such Garden, Orchards, Policies, or Inclosures are necessary to the Amenity of the Manor Place, or, if the Estate be held by Burgage Tenure, to dispone any Part thereof, reserving and excepting as aforesaid, subject to a Ground Annual: Provided always, that the Feu Duty, Rent, or Ground Annual to be stipulated for shall not be less than the Amount ascertained as herein-after provided: Provided also, that it shall not be lawful for such Heir to take any Grassum or Fine or valuable Consideration other than the Feu Duty, Rent, or Ground Annual for granting any such Charter, Lease, or Disposition; and in case any such Grassum, Fine, or Consideration shall be taken, such Charter, Lease, or Disposition shall be null and void; but nothing herein contained shall prevent any Heir of Entail in possession from exercising any Power of granting Feu Charters, Leases, or other Grants which may be contained in the Entail under which he possesses, more extensive than the Powers hereby conferred.

Procedure in granting Feus, Building Leases, &c.

4. For ascertaining whether the Land so proposed to be feued, leased, or disponed may be feued, leased, or disponed in Terms of the Provisions of the preceding Section, and the Value of the same, an Application shall be made by the Heir in possession of the Entailed Estate to the Sheriff of the County within which the Entailed Estate, or the Portion thereof proposed to be feued, leased, or disponed, is situated, who thereupon shall direct Notice to be given to the next Heir of Entail entitled to succeed to the Entailed Estate in such Manner as shall seem proper (and in the event of such next Heir of Entail being under Age or subject to any legal Incapacity, the Sheriff shall appoint a Tutor *ad litem* or Curator *ad litem* to such Heir), and shall appoint One or more skilful Persons to inquire and report as to the Value of the Lands proposed to be feued, leased, or disponed, and whether from their Position or otherwise they may or ought to be feued, leased, or disponed in Terms of the preceding Section either in whole or

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in Lots; and upon such Person or Persons reporting that the Feu Duty, Rent, or Ground Annual offered is in their Opinion, having regard to all the Circumstances, fair and adequate, and that such Land may, from its Position, be feued, leased, or disponed in Terms of the preceding Section either in whole or in Lots, the Sheriff, on consideration of the whole Circumstances, may and is hereby empowered to authorize such Heir in possession or his Successor in the Entailed Estate at any Time within Ten Years from the Date of such Deliverance to feu, lease, or dispone the said Land in One or more Lots at such Rate of Feu Duty, Rent, or Ground Annual as he can obtain for the same, not being less than the Rate fixed by the said skilled Persons, subject to such Conditions as the Sheriff may think essential to secure such Feu Duty, Rent, or Ground Annual, and any other Conditions he may see fit, and also subject to a nominal taxed Sum of One Penny Sterling in lieu of all Casualties on the Entry of Heirs and singular Successors, and to grant the necessary Feu Charter, Lease, or Disposition, and which being executed and recorded in the Register of Sasines shall be effectual to all Intents and Purposes; and the Lands so feued, leased, or disponed shall, from the Date of recording the Feu Charter, Lease, or Disposition in the Register of Sasines, and so long as such Feu Charter, Lease, or Disposition shall remain in force, be held as out of the Entail, and be liberated from all the prohibitory, irritant, and resolutive Clauses or Clause of Registration thereof: Provided always, that the Superiority of the Lands so feued, leased, or disponed, and the Feu Duties, Rents, and Ground Annuals thereof, shall be and shall remain subject to the said Entail in the same Manner as the Lands themselves were subject thereto previous to the granting of such Feu Charter, Lease, or Disposition; and it is hereby provided, that the Decree of the Sheriff pronounced on such Application and Proceeding shall not be subject to Review by Suspension, Advocation, or Reduction, or in any other Form, except by a short Note of Appeal to be presented to the Court of Session in one or other of the Divisions thereof, which Appeal shall be disposed of by such Division as a summary Cause: Provided always, that unless such Note of Appeal shall be lodged with the Clerk of the Division of the Court of Session, and Notice thereof given in Writing to the opposite Party, or his known Agent, or lodged with the Sheriff Clerk, within Six Months of the Date of the Decree of the Sheriff, such Decree shall be final and conclusive; and in the event of an Appeal being duly taken and lodged, the Judgment of the Court of Session thereon shall be final and conclusive.

Feu Charters, &c. to be void unless

5. Provided always, that every such Feu Charter, Lease, or Disposition shall contain a Condition that the same shall be void,

Buildings of certain Value erected and kept in repair.

void, and the same is hereby declared void, if Buildings of the annual Value of, at the least, double the Feu Duty, Rent, or Ground Annual therein stipulated shall not be built within the Space of Five Years from the Date of such Grant upon the Ground comprehended therein, and that the said Buildings shall be kept in good, tenantable, and sufficient Repair, and that such Grant shall be void whenever there shall not be Buildings of the Value foresaid, kept in such Repair as aforesaid, standing upon the Ground so feued, leased, or disponed.

Power to grant Provisions to Wife and Children of Heir Apparent.

6. It shall be lawful for the Heir Apparent to any Entailed Estate, with the Consent of the Heir in possession of such Estate, to grant Provisions in favour of his Wife, and of the lawful Child or Children of such Heir Apparent who shall not succeed to such Entailed Estate, to the same Extent, in the same Manner, and subject to the same Conditions to, in, or under which it is now competent for the Heir in possession of such Entailed Estate to grant such Provisions, either under the Act of the Fifth *George* the Fourth, Chapter Eighty-seven, or under the Powers of the Entail: Provided that such Provisions shall not exceed in any Case the Amount authorized to be charged on the Entailed Estate and Rents thereof, either under the said Act or under the Entail of the said Estate, and that the same shall become payable at the Death of such Heir Apparent; and provided also, that such Provisions to be granted by such Heir Apparent shall not interfere with or affect any Provisions which have been granted by the Heir in possession of such Estate, and shall be postponed to the Provisions granted by such Heir in possession; and that the Provisions to be granted by such Heir Apparent shall be calculated under the said Act, or under the Provisions of the Entail on the Footing of the Rental of such Entailed Estate, after deducting the Burdens and Provisions directed to be deducted by the said Act or by the Deed of Entail, and also after deducting the Burdens and Provisions granted by the Heir in possession to his or her Wife or Husband and Child or Children, so far as chargeable on such Entailed Estate, or on the Rents thereof.

Intimation of Petitions under Entail Acts.

7. Notwithstanding the Provisions contained in any of the Statutes relating to Entails, and particularly in the Thirty-fourth Section of the Act Eleventh and Twelfth of *Victoria*, Chapter Thirty-six, it shall be sufficient Advertisement of any Petition presented to the Court of Session under these Acts, or any of them, if the presenting of such Petition is advertised once in the *Edinburgh Gazette*, and once weekly for Three successive Weeks in such Newspaper or Newspapers as may be appointed by the Lord Ordinary or the Court; and it shall be sufficient in such Advertisements

ments to state the leading Name of the Lands by which the same are commonly known without any detailed Description thereof, and the leading Purpose of the Petition without any detailed Statement of such Purpose, and such Advertisement may be in the Form, or as nearly as may be in the Form, of Schedule (A.) hereto annexed; and in all Cases of Parties called under such Petitions who may be resident furth of *Scotland* the Inducie for citing such Parties shall be Thirty Days.

Repeal of 11 & 12 Vict. c. 36. s. 12. and 16 & 17 Vict. c. 94. s. 12. 10 G. 3. c. 51. and 5 G. 4. c. 87. to apply to all Entails.

8. The Twelfth Section of the Act Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and the Twelfth Section of the Act Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, are hereby repealed; and it is enacted, that the Act Tenth *George* the Third, Chapter Fifty-one, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland, *held under Settlements of strict Entail*, and the said Act Fifth *George* the Fourth, Chapter Eighty-seven, intituled *An Act to authorize the Proprietors of Entailed Estates in* Scotland *to grant Provisions to the Wives or Husbands and Children of such Proprietors*, shall, from and after the passing of this Act, be applicable to all Entails, whether dated before or after the First Day of *August* One thousand eight hundred and forty-eight, and to all Trusts, of whatever Date, under which Land is held for the Purpose of being entailed, or by which Money or other Property, Real or Personal, is invested in trust for the Purpose of purchasing Land to be entailed; and the Powers conferred by the said Two last-mentioned Acts, or either of them, may be exercised with reference to such Land, Money, or other Property by the Person who if such Land had been entailed in Terms of the Trust would be the Heir in possession of the Entailed Land, and by the Person who if such Money or other Property had been invested in the Purchase of Land to be entailed would be the Heir in possession under the Entail to be executed of such purchased Land if such Entail had been executed; and the Apparent Heir of such Person who would be Heir of Entail in possession of such Land if it were entailed, or if it were purchased and entailed, shall have the same Powers with reference to such Land, Money, or other Property as are conferred on Heirs Apparent under the Sixth Section of this Act with reference to granting Provisions to their Wives or Husbands and Child or Children: Provided always, that where the Operation of the said Two last-mentioned Acts, or the Power granted by the Sixth Section of this Act, are, or any One of them is, expressly excluded by the Deed of Entail or Trust Deed, the Powers conferred by the said Acts, or by the Act so excluded, or by the Sixth Section of this Act when

so excluded, shall not be competent to the Heir of Entail in possession under such Entail, or to the Person who would be Heir of Entail in possession under the Entail directed to be made if such Entail were executed as aforesaid, or to the Heir Apparent of such Heir of Entail or Person.

When Estate may be sold, Sale may be by private Bargain.

9. It shall be competent for the Court of Session, where any Entailed Estate is subject to or may be charged with Debt affecting, or that may be made to affect, the Fee of the Estate, on a Petition to be presented by the Heir of Entail in possession of such Estate, to approve of an Agreement to sell by private Bargain the whole or any Portion of such Estate for Payment of the whole or any Part of such Debt; and the Court may authorize such Sale under such Agreement where they are satisfied, after making such Inquiry as they consider necessary, that the Sale is advantageous and beneficial for the Heir of Entail in possession of such Estate, and not detrimental to the Interests of the succeeding Heirs of Entail; and the said Court may authorize such Sale even though the Price to be paid under such Agreement is considerably above the total Amount of the Debt affecting such Entailed Estate as aforesaid, provided they are satisfied of the Advantage and Benefit likely to accrue from such Sale as aforesaid; and in the event of such Sale being effected as aforesaid, and of any Surplus remaining after paying off the said Debts and the Expenses attending the Sale, such Surplus, if less than Two hundred Pounds, shall belong to the Heir of Entail in possession, and if more than Two hundred Pounds shall be applied under the Authority of the Court in buying other Lands in the Neighbourhood of the Remainder of the Entailed Estate, if the whole Estate is not sold, or, if the whole Estate is sold, in buying Lands in *Scotland*, to be approved of by the Court; and until a suitable Purchase of Land is found, such Surplus may be invested by Trustees to be appointed by the Court, on the Application of the Petitioner in the course of the Proceedings, or in any Application to be presented by him for the Purpose, on Heritable Security in *Scotland* to the Satisfaction of the said Trustees, or may be applied otherwise under the Provisions of the Acts of Parliament relating to Entails in *Scotland;* and the Form of Petitions to be presented under this Section and the Procedure thereon shall, as nearly as may be, be similar to the Form and Procedure prescribed with reference to Petitions presented to the Court under the said Acts; and until such Surplus is invested in the Purchase of Land for the Purpose of being entailed, the free annual Proceeds thereof shall be paid to the Person who would be the Heir in possession if such Land were purchased and entailed; and it is hereby provided that it shall be competent to any Heir of Entail

in

in possession of an Entailed Estate in *Scotland* who has or whose Predecessors have sold the whole or part of the Entailed Estate, and where the Price or the Balance of the Price is available for the Purchase of Land, to apply to the Court in like Manner for the Appointment of Trustees by whom the said Price or Balance thereof may be invested on Heritable Security in *Scotland*, or may be applied otherwise under the Provisions of the Acts of Parliament relating to Entails in the same Manner till the same Event and to the same Effect in all respects as is herein-before provided with reference to the Price or the Balance of the Price of Lands sold under the Provisions of this Section.

Provisions as to Sale by Public Roup.

10. When the Upset Price of any Entailed Lands, the Sale of which has been authorized by the Court, shall have been fixed, the Court may authorize the Lands to be exposed by the Heir of Entail in possession, in presence of the Judge of the Roup appointed by the Court, at such Time and at such Upset Price, not being under the said fixed Upset Price, as the Heir of Entail in possession may arrange, and in the event of the Lands not being sold at such Upset Price, then the Heir of Entail in possession may re-expose the Lands at a reduced Upset Price, not being under the said fixed Upset Price, in presence of the Judge of the Roup, and so on thereafter if the said Lands shall not be sold at such Re-exposure: Provided always, that such Heir of Entail in possession shall advertise the Land in the first and subsequent Exposures, if any, in Terms of the Interlocutor which shall have been pronounced by the Court on authorizing the Sale, and upon the Heir of Entail effecting a Sale in virtue hereof the Court shall approve of such Sale according to the existing Law and Practice.

Entailer's Debts, &c. may be charged on Entailed Estate by Bond and Disposition in Security.

11. In all Cases where there are or shall be Entailer's or other Debts or Sums of Money which might lawfully be made chargeable, by Adjudication or otherwise, upon the Fee of an Entailed Estate, the Heir of Entail in possession of such Estate for the Time being shall have all the like Powers of charging the Fee and Rents of such Estate, or any Portion thereof, other than the Mansion House, Offices, and Policies thereof, with the full Amount of such Debts or Sums of Money, and of granting, with the Authority of the Court of Session, Bonds and Dispositions in Security for the full Amount of such Debts and Sums of Money, as by the Act Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and the Act Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, are conferred with reference to Provisions to younger Children; and such Bonds and Dispositions in Security may be granted in favour of any Parties in the Right of such Debts or Sums of Money

Money at the Date when such Bonds and Dispositions in Security are executed.

Provisions of Act 10 G. 3. c. 51. to apply to Dwellings for the Labouring Classes.

12. Whereas it is expedient to grant further Facilities for the building of Cottages for Labourers, Farm Servants, Artizans, and others residing on Entailed Estates in *Scotland*, and for that Purpose to amend the Act of the Twenty-third and Twenty-fourth Years of the Reign of Queen *Victoria*, Chapter Ninety-five: Be it therefore enacted, That it shall be sufficient Compliance with the Provisions of the said Act and of the Acts of the Tenth Year of the Reign of King *George* the Third, Chapter Fifty-one, the Eleventh and Twelfth Years of the Reign of Queen *Victoria*, Chapter Thirty-six, and the Sixteenth and Seventeenth Years of the Reign of Queen *Victoria*, Chapter Ninety-four, therein recited, if it be shown that the Cottages in respect of which a Charge is proposed to be created, or towards the Erection of which Monies are sought to be applied, have been completed in a proper and substantial Manner, and it shall not be necessary to prove that they are required for the Accommodation of the Labourers, Farm Servants, Artizans, and others employed on or connected with the Entailed Estate on which they have been or may be erected.

Where Estate propelled, Applications under 11 & 12 Vict. c. 36. and 16 & 17 Vict. c. 94. may be made either in Name of Liferenter or of Fiar.

13. Where any Heir of Entail in possession of an Entailed Estate under an Entail dated prior to the First Day of *August* One thousand eight hundred and forty-eight shall have lawfully propelled, or shall hereafter lawfully propel, such Estate under Reservation of his own Liferent to the Heir entitled to succeed him therein, any Application which has been or shall be made under the Acts of the Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, and all Procedure following thereon, shall be equally effectual in all respects whether made in the Name of the Heir of Entail who has propelled the Estate or in the Name of the Heir to whom it has been propelled; and during the Lifetime of such last-mentioned Heir it shall be sufficient that the Consents of the Persons whose Consents would have been required to such Application if the Estate had not been propelled be obtained thereto; and provided also, that where the Application is presented in the Name of the Heir to whom the Entailed Estate has been propelled, the Presentation of such Application shall be sufficient Evidence of his Consent thereto.

Repeal of Sect. 33 of Act of 10 G. 3. c. 51.

14. So much of the Thirty-third Section of the Act of the Tenth Year of the Reign of *George* the Third, Chapter Fifty-one, as provides that not more than Thirty Acres of Arable Land, nor more than

than One hundred Acres of Lands consisting of Hills or other Grounds incapable or improper by their Nature for Culture by the Plough, of such Entailed Estates lying together in One Place or Plot shall be given in Exchange, and that an Equivalent in Land contiguous to the Entailed Estate with which the Exchange is to be made shall be received in place of the Land given in Exchange, is hereby repealed; and in lieu thereof it is enacted, that not more than Three hundred Acres of Lands of such Entailed Estates lying together in One Place or Plot shall be given in Exchange, and that an Equivalent in Land shall be received in place of the Land given in Exchange; and the said Section shall be read as if this last-mentioned Enactment was contained therein.

Court of Session may cause Entails to be registered for Preservation.

15. It shall be competent to any Heir of Entail, Trustee, or other Person interested in any Entail to apply to the Court of Session for Warrant to register such Entail in the Books of Council and Session for Preservation, as well as in the Register of Entails for Publication, where not previously so registered; and it shall be lawful for the Court, under such Application, to cause such Registration to be made at the Expense of the Applicant, or of the Heir of Entail in possession, as the Court shall direct, and, with a view to such Registration, to order Production of such Entail, or grant Diligence for its Recovery.

Court may make Acts of Sederunt.

16. It shall be lawful for the Court to pass such Act or Acts of Sederunt as they may deem proper for the further Regulation of the Forms of Procedure under this Act, and otherwise for rendering the same more effectual according to the true Intent and Meaning hereof.

Liferents of Personal Estate beyond certain Limits prohibited.

17. From and after the passing of this Act, it shall be competent to constitute or reserve, by means of a Trust or otherwise, a Liferent Interest in Moveable and Personal Estate in *Scotland* in favour only of a Party in Life at the Date of the Deed constituting or reserving such Liferent, and where any Moveable or Personal Estate in *Scotland* shall, by virtue of any Deed dated after the passing of this Act (and the Date of any testamentary or *mortis causa* Deed shall be taken to be Date of the Death of the Grantor, and the Date of any Contract of Marriage shall be taken to be the Date of the Dissolution of the Marriage), be held in Liferent by or for Behoof of a Party of full Age born after the Date of such Deed, such Moveable or Personal Estate shall belong absolutely to such Party, and where such Estate stands invested in the Name of any Trustees such Trustees shall be bound to deliver, make over, or convey

convey such Estate to such Party: Provided always, that where more Persons than One are interested in the Moveable or Personal Estate held by Trustees as herein-before mentioned, all the Expenses connected with the Transference of a Portion of such Estate to any of the Beneficiaries in Terms of this Act shall be borne by the Beneficiary in whose Favour the Transference is made.

11 & 12 Vict. c. 36. ss. 5, 16. to apply to Entails dated after 1848, and to all Trusts.

18. The Provisions of the Fifth and Sixteenth Sections of the said Act Eleventh and Twelfth *Victoria*, Chapter Thirty-six, shall from and after the passing of this Act be extended to Entails dated on or after the First Day of *August* One thousand eight hundred and forty-eight, and shall apply to such Entails in the same Manner and to the same Effect in all respects as if these Provisions had been by the said Sections made to apply expressly to such Entails, as well as to Entails dated prior to the First Day of *August* One thousand eight hundred and forty-eight; and the Provisions of these Sections shall apply to all Trusts of whatever Date under which Land is held for the Purpose of being entailed.

SCHEDULE (A.)

Intimation is hereby given that *A.B.*, Heir of Entail in possession of the Entailed Lands and Estate of in the County of has presented a Petition to the Lords of Council and Session (Division, Lord Ordinary, Clerk), in Terms of the Acts Eleventh and Twelfth Victoria, Chapter Thirty-six, and Sixteenth and Seventeenth Victoria, Chapter Ninety-four, and (*this Act*), and relative Acts of Sederunt, for Authority to disentail the Lands and Estate of in the County of (*or* to charge the Lands of in the County of with the Sum of , *or otherwise, as the Case may be*). Date of Interlocutor ordering Intimation Day of One thousand eight hundred and .

C.D., Agent of the Petitioner.
Address and Date.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. LXXXV.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-nine, and to appropriate the Supplies granted in this Session of Parliament. [31st *July* 1868.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There may be applied for the Service of the Year ending

1. There may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year

31st March 1869 the Sum of 22,083,532*l.* 9*s.* 5*d.* out of the Consolidated Fund.

Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine, the Sum of Twenty-two million eighty-three thousand five hundred and thirty-two Pounds Nine Shillings and Fivepence out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being are hereby empowered to issue and apply the same accordingly.

Bank of England may advance 22,083,532*l.* 9*s.* 5*d.* on the Credit of this Act.

2. The Governor and Company of the Bank of *England* may make Advances to Her Majesty, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to an Amount not exceeding in the whole the Sum of Twenty-two million eighty-three thousand five hundred and thirty-two Pounds Nine Shillings and Fivepence; and such Advances shall be made on the Application of the Commissioners of Her Majesty's Treasury, from Time to Time, in such Sums as may be required for the Public Service, and shall be placed to the Credit of the Account of Her Majesty's Exchequer at the Bank of *England*, and be available to satisfy the Orders for Credits granted or to be granted on the said Account, under the Provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any Services voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Interest on Advances.

3. The Advances made by the Bank of *England* from Time to Time under the Authority of this Act shall bear Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem*, and the Principal and Interest of all such Advances shall be paid out of the growing Produce of the Consolidated Fund at any Period not later than the next succeeding Quarter to that in which the said Advances shall have been made.

Treasury may apply for the Service of the Year ending 31st Mar. 1869, 537,217*l.* 10*s.* 7*d.* Surplus of Ways and Means.

4. There may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-nine, the Sum of Five hundred and thirty-seven thousand two hundred and seventeen Pounds Ten Shillings and Sevenpence, being the Surplus of Ways and Means granted for the Service of preceding Years, and the Commissioners of Her Majesty's Treasury may issue and apply the same accordingly.

Schedule (A.) (Part I.)

,983,148*l.* 19*s.* 9*d.*

5. All the Moneys coming into the Exchequer of the United Kingdom of *Great Britain* and *Ireland* by the Acts set forth in Part I. of the Schedule (A.) to this Act, amounting in the aggregate to

to the Sum of Forty-seven million nine hundred and eighty-three thousand one hundred and forty-eight Pounds Nineteen Shillings and Ninepence, are hereby appropriated and may be issued and applied for or towards the several Purposes expressed in Part II. of the said Schedule, and herein-after more particularly set forth.

Navy Services, Deficiency, 1866–7, 90,619*l.* 13*s.* 9*d.*

6. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Ninety thousand six hundred and nineteen Pounds Thirteen Shillings and Ninepence to make good Deficiencies on certain Grants for Navy Services for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven.

Army Services, Deficiency, 1866–7, 48,479*l.* 8*s.* 8*d.*

7. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Forty-eight thousand four hundred and seventy-nine Pounds Eight Shillings and Eightpence to make good Deficiencies on certain Grants for Army Services for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven.

Civil Services, Deficiencies, 1866–7, 79,829*l.* 2*s.* 7*d.* Schedule (B.)

8. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Seventy-nine thousand eight hundred and twenty-nine Pounds Two Shillings and Sevenpence to make good Deficiencies on certain Grants for Civil Services for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven mentioned in the Schedule (B.) to this Act.

Inland Revenue, Deficiency, 1866–7, 8,381*l.* 1*s.* 1*d.*

9. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Eight thousand three hundred and eighty-one Pounds One Shilling and One Penny to make good the Deficiency on the Grant for the Inland Revenue Department for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven.

Packet Service Deficiency, 1866–7, 1,089*l.* 13*s.* 8*d.*

10. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding One thousand and eighty-nine Pounds Thirteen Shillings and Eightpence to make good the Deficiency on the Grant for the Post Office Packet Service for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven.

Supplementary Grants for Civil Services to 31st March 1868, 134,000*l.* Schedule (C.)

11. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding One hundred and thirty-four thousand Pounds to defray the

the Charge for certain Supplementary Grants for Civil Services for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-eight mentioned in the Schedule (C.) to this Act.

Expedition to Abyssinia. 2,000,000*l.* 1867–8; 3,000,000*l.* 1868–9.

12. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Two million Pounds to defray the Expenses of the Expedition to *Abyssinia* beyond the ordinary Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-eight, and any Sum or Sums of Money not exceeding Three million Pounds to defray the Expenses of the said Expedition beyond the ordinary Grants for the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Navy Services, 11,157,290*l.* Schedule (D.)

13. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Eleven million one hundred and fifty-seven thousand two hundred and ninety Pounds for or towards the Navy Services more particularly mentioned in the Schedule (D.) to this Act, to defray the Charges for the several Services specified in the said Schedule which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Army Services, 15,455,400*l.* Schedule (E.)

14. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding Fifteen million four hundred and fifty-five thousand and four hundred Pounds for or towards the Army Services more particularly mentioned in the Schedule (E.) to this Act, to defray the Charges for the several Services specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Exchequer Bonds, 600,000*l.*

15. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six hundred thousand Pounds to pay off and discharge Exchequer Bonds which will become payable during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Civil Services. *Class* 1. 1,256,965*l.* Schedule (F.)

16. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (F.) to

to this Act, to defray the Charges of the several Civil Services (Class I.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

CIVIL SERVICES. *Class* 2. — 1,661,299*l.* Schedule (G.)

17. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (G.) to this Act, to defray the Charges of the several Civil Services (Class II.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

CIVIL SERVICES. *Class* 3. — 3,579,686*l.* Schedule (H.)

18. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (H.) to this Act, to defray the Charges of the several Civil Services (Class III.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

CIVIL SERVICES. *Class* 4. — 1,536,697*l.* Schedule (I.)

19. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (I.) to this Act, to defray the Charges of the several Civil Services (Class IV.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

CIVIL SERVICES. *Class* 5. — 486,277*l.* Schedule (J.)

20. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (J.) to this Act, to defray the Charges of the several Civil Services (Class V.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

CIVIL SERVICES. *Class* 6. — 426,825*l.* Schedule (K.)

21. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (K.) to this Act, to defray the Charges of the several Civil Services (Class VI.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

22. Out

Civil Services. *Class 7.* 169,256*l.* Schedule (L.)

22. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (L.) to this Act, to defray the Charges of the several Civil Services (Class VII.) specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Revenue Departments, 4,968,098*l.* Schedule (M.)

23. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding the Sums respectively mentioned in the Schedule (M.) to this Act, to defray the Charges for the Services of the several Revenue Departments specified in the said Schedule, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Post Office Packet Service, 1,089,349*l.*

24. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding One million eighty-nine thousand three hundred and forty-nine Pounds, to defray the Charge of the Post Office Packet Service which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine, no Part of which Sum is to be applicable or applied in or towards making any Payment in respect of any Period subsequent to the Twentieth Day of *June* One thousand eight hundred and sixty-three to Mr. *Joseph George Churchward*, or to any Person claiming through or under him by virtue of a certain Contract, bearing Date the Twenty-sixth Day of *April* One thousand eight hundred and fifty-nine, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the First Part, and the said *Joseph George Churchward* of the Second Part, or in or towards the Satisfaction of any Claim whatsoever of the said *Joseph George Churchward* by virtue of that Contract, so far as relates to any Period subsequent to the Twentieth Day of *June* One thousand eight hundred and sixty-three.

Advances for new Courts of Justice, 106,000*l.*

25. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding One hundred and six thousand Pounds, to defray the Charge for Advances for the Purchase of a Site and for other Expenses for the new Courts of Justice, and Offices belonging thereto, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

26. Out

Advances for Greenwich Hospital and School, 127,608*l.*

26. Out of all or any the Aids or Supplies aforesaid there may be issued and applied any Sum or Sums of Money not exceeding one hundred and twenty-seven thousand six hundred and eight Pounds, to defray the Charge for Advances for *Greenwich* Hospital and School, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-nine.

Supplies to be applied only for the Purposes aforesaid.

27. The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned or specified in the several Schedules referred to in this Act.

Sanction for Navy and Army Expenditure for 1866–7 unprovided for.

29 & 30 Vict. c. 91. s. 29.

28. Whereas the Commissioners of the Treasury, under the Powers vested in them by the Act Twenty-ninth and Thirtieth *Victoria*, Chapter Ninety-one, Section Twenty-nine, have authorized Expenditure not provided for in the Sums appropriated to Naval and Military Services by the said Act to be temporarily defrayed out of Surpluses so far as such Surpluses will extend which have arisen by the Saving of Expenditure upon Votes within the same Department for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and sixty-seven, as follows:

Navy Deficiency, 317,534*l.* 14*s.* 10*d.*

Navy Surplus, 226,915*l.* 1*s.* 1*d.*

1st, Three hundred and seventeen thousand five hundred and thirty-four Pounds Fourteen Shillings and Tenpence for Navy Services unprovided for in the Grants for Navy Services for the said Year, temporarily defrayed to the Extent of Two hundred and twenty-six thousand nine hundred and fifteen Pounds One Shilling and One Penny out of Surpluses, to the said last-mentioned Amount, which have arisen upon certain Votes for Navy Services for the same Year:

Army Deficiency, 329,043*l.* 8*s.* 0*d.*

Army Surplus, 280,563*l.* 19*s.* 4*d.*

2d, Three hundred and twenty-nine thousand and forty-three Pounds Eight Shillings for Army Services unprovided for in the Grants for Army Services for the said Year, temporarily defrayed to the Extent of Two hundred and eighty thousand five hundred and sixty-three Pounds Nineteen Shillings and Fourpence out of Surpluses to the said last-mentioned Amount, which have arisen upon certain Votes for Army Services for the same Year:

It is enacted that the Application of the said Surpluses to cover so much of the said Deficiencies is hereby sanctioned.

Expenditure for Navy and Army Services respectively to be confined to

29. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services shall confine the Expenditure of their respective Departments

the separate Services for which granted.

11,157,290*l.*

15,455,400*l.*

Treasury may, in certain Cases of Exigency, authorize Expenditure unprovided for; provided that the aggregate Grants for the Navy Services and for the Army Services respectively be not exceeded.

ments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Eleven million one hundred and fifty-seven thousand two hundred and ninety Pounds granted by this Act for Naval Services, and in the Sum of Fifteen million four hundred and fifty-five thousand and four hundred Pounds granted by this Act for Army Services: Provided always, that if a Necessity shall arise for incurring Expenditure not provided for in the Sums appropriated to Naval and Military Services by this Act, and which it may be detrimental to the Public Service to postpone until Provision can be made for it by Parliament in the usual Course, the respective Departments shall forthwith make Application in Writing to the Commissioners of Her Majesty's Treasury for their Authority to defray temporarily such Expenditure out of any Surpluses which may have been or which may be effected by the Saving of Expenditure upon Votes within the same Department, and in such Applications the Departments shall represent to the Commissioners of the Treasury the Circumstances which may render such additional Expenditure necessary, and thereupon the said Commissioners may authorize the Expenditure unprovided for as aforesaid to be temporarily defrayed out of any Surpluses which may have been or which may be effected as aforesaid upon Votes within the same Department; and a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the said Commissioners to any Expenditure not provided for in the respective Votes aforesaid, accompanied by Copies of the Representations made to them by the said Departments, shall be laid before the House of Commons not later than One Month after the Accounts of the Receipt and Expenditure for Navy and for Army Services for the Year shall respectively have been rendered to the Commissioners of Audit, if Parliament be then sitting, and if not then within One Week after Parliament shall be next assembled, in order that such Proceedings may be submitted for the Sanction of Parliament, and that Provision may be made for the Deficiencies upon the several Votes for the said Services in such Manner as Parliament shall determine: Provided also, that the Commissioners of the Treasury shall not authorize any Expenditure which may cause an Excess upon the aforesaid aggregate Sums granted by this Act for Naval Services and for Army Services respectively.

Rules to be observed in the Application of the Sum granted for Half Pay.

30. And as to the Sum granted by this Act for the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall

shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary of State for War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed

Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation signified by the Secretary of State for War as aforesaid, to issue, on or before the Twenty-fourth Day of *December* One thousand eight hundred and sixty-eight, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary of State for War; but no Person who, after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be serving as an Adjutant in the Volunteer Force, or who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry, but that every such Adjutant shall receive the same on making and subscribing such Declaration as shall be specified in the Regulations made for the Volunteer Force, under the Provisions of the Volunteer Act, 1863, and every other Person shall receive the same according to the Provision of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and sixty-nine it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half

any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury through the Secretary of State for War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of *April*, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the sitting of Parliament after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

31. The Commissioners of Her Majesty's Treasury may authorize the Receipt of Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

32. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Declarations to be made before Receipt of Sums appropriated.

Before whom such Declarations to be made.

33. And as to the several Sums appropriated by this Act for defraying Army, Navy, or Civil non-effective Services, no Person shall receive any Part of the same without subscribing a Declaration to such Purport and Effect as shall be required in that Behalf; and such Declaration shall and may be made and subscribed before any of Her Majesty's Justices of the Peace, Notary Public, or Resident Minister in the United Kingdom of *Great Britain* and *Ireland*, or the Colonies or Dominions of Her Majesty; and when such Declarations are taken abroad they shall be made and subscribed before a *British* Minister, Secretary of Embassy, Secretary of Legation, Consul, or *British* Chaplain, or before a Notary Public or some Magistrate or other Person competent to administer such Declarations; and as regards Naval Services before the Lord High Admiral or a Lord Commissioner or Secretary of the Admiralty, or a Superintendent of a Dockyard, Victualling, or Medical Establishment, or before an Officer in command of One of Her Majesty's Ships, or a Chaplain serving on board One of Her Majesty's Ships; and such Declarations for Army, Navy, and Civil Services may also be made and subscribed before any other Person now by Law authorized to administer or receive such Declarations, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

SCHEDULES to which this Act refers.

SCHEDULE (A.)—WAYS AND MEANS.

PART I.

SCHEDULE of WAYS AND MEANS referred to in Section 5 of this Act; viz.:

	£	s.	d.
Granted per Act 31 Vict. Cap. 1. for the Service of the Year ending 31st March 1868	2,000,000	–	–
Granted per Act 31 Vict. Cap. 10. for the Service of the Years ending 31st March 1867 and 31st March 1868	362,398	19	9
Granted for the Service of the Year ending 31st March 1869; viz.:			
Per Act 31 Vict. Cap. 13.	6,000,000	–	–
Per Act 31 Vict. Cap. 16.	17,000,000	–	–
Per Section 1 of this Act	22,083,532	9	5
Per Section 4 of this Act (being Surplus Ways and Means granted for the Service of preceding Years)	537,217	10	7
Total Grants of WAYS AND MEANS to meet the following SUPPLIES: 1867 & 1868 — £2,362,398 19 9; 1868–9 — £45,620,750 0 0	47,983,148	19	9

PART II.

ABSTRACT OF THE SUPPLIES GRANTED BY THIS ACT.

	£	s.	d.
For the Year 1866–7 (Deficiencies):			
Navy Services (Section 6)	90,619	13	9
Army Services (Section 7)	48,479	8	8
Civil Services (Section 8, Schedule B.)	79,829	2	7
Inland Revenue Department (Section 9)	8,381	1	1
Post Office Packet Service (Sec. 10.)	1,089	13	8
For the Year 1867–8, (Supplemental):			
Expedition to Abyssinia (Sect. 12)	2,000,000	–	–
Civil Services (Sect. 11, Schedule C.)	134,000	–	–
For the Year 1868–9:			
Expedition to Abyssinia (Sect. 12)	3,000,000	–	–
Navy Services (Sec. 13, Schedule D.)	11,157,290	–	–
Army Services (Sec. 14, Schedule E.)	15,455,400	–	–
Exchequer Bonds (Sec. 15)	600,000	–	–
Civil Services, Class I. (Sec. 16, Schedule F.) £1,256,965			
Class II. (Sec. 17, Schedule G.) 1,661,299			
Class III. (Sec. 18, Schedule H.) 3,579,686			
Class IV. (Sec. 19, Schedule I.) 1,536,697			
Class V. (Sec. 20, Schedule J.) 486,277			
Class VI. (Sec. 21, Schedule K.) 426,825			
Class VII. (Sec. 22, Schedule L.) 169,256			
	9,117,005	–	–
Revenue Departments (Sec. 23, Schedule M.)	4,968,098	–	–
Post Office Packet Service (Sec. 24)	1,089,349	–	–
Advances for New Courts of Justice and Offices (Sec. 25)	106,000	–	–
Advances for Greenwich Hospital and School (Sec. 26)	127,608	–	–
Total of SUPPLIES chargeable upon the above WAYS AND MEANS	47,983,148	19	9

SCHEDULE (B.)

SCHEDULE of SUMS comprised in the Sum of 79,829*l.* 2*s.* 7*d.*, granted by Section 8, to make good Deficiencies on the several Grants for Civil Services herein particularly mentioned for the Year ended on the 31st Day of March 1867; viz.:—

		£	s.	d.
CLASS II.	Office of Works, &c.	1,199	14	3
	Inspectors of Factories, &c.	562	10	7
	Quarantine Expenses	306	15	7
	Printing and Stationery	16,831	2	8
CLASS III.	Law Charges, England	2,507	7	1
	Admiralty Court Registry	243	1	7
	Exchequer, Scotland, Legal Branch	393	10	1
	Law Charges, Ireland	9,285	10	4
	Bankruptcy Court, Ireland	1,182	0	0
	Maintenance of Prisoners	17,774	13	0
CLASS V.	Pitcairn's Islanders	87	5	10
	Special Missions	10,224	17	5
CLASS VI.	Relief of Distressed British Seamen	16,942	17	7
CLASS VII.	Ecclesiastical Commission	202	6	3
	Miscellaneous Expenses formerly Civil Contingencies	241	1	0
	Anglo-Chinese Flotilla	1,844	9	4
	TOTAL £	79,829	2	7

SCHEDULE (C.)

SCHEDULE of SUMS comprised in the Sum of 134,000*l.* granted by Section 11 to defray Charges for certain Supplementary Grants for Civil Services for the Year ended on the 31st Day of March 1868; viz.:—

		£	s.	d.
CLASS I.	Landguard Point—Works	2,000	—	—
CLASS II.	Inspectors of Factories, &c.	5,000	—	—
	Quarantine Expenses	4,000	—	—
CLASS III.	Law Charges, England	11,000	—	—
	Law Charges, Ireland	36,000	—	—
	Court of Chancery, Ireland	14,000	—	—
	Maintenance of Prisoners	12,000	—	—
CLASS VII.	Temporary Commissions	21,000	—	—
	Local Dues under Treaties of Reciprocity	11,000	—	—
	Agricultural Statistics	8,000	—	—
	Cape Haytien Bombardment—Compensation	4,000	—	—
	Shannon River Survey	6,000	—	—
	TOTAL £	134,000	—	—

SCHEDULE (D.)—SUPPLIES.

NAVY.

SCHEDULE of SUMS comprised in the Sum of 11,157,290*l.* granted by Section 13 of this Act to defray the Charges of the NAVY SERVICES herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding £
1.	For Wages to 67,120 Seamen and Marines	3,036,634
2.	For Victuals and Clothing for Seamen and Marines	1,335,842
3.	For Salaries of the Officers and Contingent Expenses of the Admiralty Office	182,364
4.	For Salaries and Expenses of the Coast Guard Service, the Royal Naval Coast Volunteers, and Royal Naval Reserve	243,926
5.	For Salaries of the Officers and Contingent Expenses of the several Scientific Departments of the Navy	63,565
6.	For Salaries of the Officers and Contingent Expenses of Her Majesty's Dockyards and Naval Yards at home and abroad	1,223,562
7.	For Salaries of the Officers and Contingent Expenses of Her Majesty's Victualling Yards and Transport Establishments at home and abroad	87,179
8.	For Naval Medical Establishments at home and abroad	64,824
9.	For Royal Marine Divisions	20,709
10.	For Naval Stores for the building, Repair, and Outfit of the Fleet	892,908
10.	For Steam Machinery for Her Majesty's Ships and Vessels, and for Payments to be made for Ships and Vessels building or to be built by Contract	1,092,500
11.	For New Works, Buildings, Machinery, and Repairs in the Naval Establishments	814,237
12.	For Medicines and Medical Stores	78,164
13.	For Martial Law and Law Charges	20,365
14.	For divers Naval Miscellaneous Services	175,800
15.	For Half Pay, Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines	700,166
16.	For Military Pensions and Allowances	550,447
16.	For Civil Pensions and Allowances	223,498
17.	For Freight of Ships, for the victualling and Conveyance of Troops, on account of the Army	350,600
	TOTAL NAVY SERVICES £	11,157,290

SCHEDULE (E.)—Supplies.

ARMY.

Schedule of Sums comprised in the Sum of 15,455,400*l.* granted by Section 14 of this Act to defray the Charges of the Army Services herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding £
1.	For the General Staff and Regimental Pay, Allowances, and Charges of Her Majesty's Land Forces at home and abroad, exclusive of India	5,749,200
2.	For the Commissariat Establishment, Services, and Movement of Troops	1,292,500
3.	For Clothing Establishments, Services, and Supplies	496,900
4.	For the Barrack Establishment, Services, and Supplies	706,300
5.	For Divine Service	42,800
6.	For Martial Law	23,000
7.	For the Hospital Establishment, Services, and Supplies	380,800
8.	For the Militia and Inspection of Reserve Forces	986,800
9.	For the Yeomanry	88,000
10.	For the Volunteers	385,100
11.	For the Enrolled Pensioners and Army Reserve Forces	64,600
12. 13.	For the Military Store Departments, and for Supply of Warlike Stores, including Manufacturing Departments	1,491,400
14.	For the Superintending Establishment of, and the Expenditure for, Works, Buildings, and Repairs at home and abroad	968,400
15.	For Military Education	169,300
16.	For the Surveys of the United Kingdom	118,600
17.	For Miscellaneous Services	142,700
18.	For the Administration of the Army	224,600
19.	For Rewards for Distinguished Services	26,700
20.	For the Pay of General Officers	72,000
21.	For the Pay of Reduced and Retired Officers	470,800
22.	For Widows Pensions and Compassionate Allowances	157,000
23.	For Pensions and Allowances to Wounded Officers	23,800
24.	For Chelsea and Kilmainham Hospitals, and the In-Pension thereof	33,600
25.	For the Out-Pensioners of Chelsea Hospital, &c.	1,184,600
26.	For Superannuation Allowances, &c.	135,200
27.	For the Non-effective Services of the Militia, Yeomanry Cavalry, and Volunteer Corps	20,700
	Total Army Services £	15,455,400

SCHEDULE (F.)—SUPPLIES.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted by Section 16 of this Act to defray the Charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding £
1.	For the British Embassy Houses at Constantinople, China, and Japan	64,920
2.	For a Contribution towards the Establishment and Maintenance of a Fire Brigade in the Metropolis	10,000
3.	For the Erection of a House for Her Majesty's Mission at Tehran	8,000
4.	For constructing certain Harbours of Refuge	116,675
5.	For erecting and maintaining certain Lighthouses abroad	42,310
6.	For the Maintenance and Repair of the Royal Palaces	56,238
7.	For the Maintenance and Repair of Public Buildings; for providing the necessary Supply of Water for the same; for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon	117,905
8.	For the Supply and Repair of Furniture in the Public Departments	15,000
9.	For maintaining and keeping in repair the Royal Parks, Pleasure Gardens, &c.	137,524
10.	For Works and Expenses at the Houses of Parliament	54,936
11.	For the Maintenance and Repairs of Embassy Houses abroad	2,135
12.	For Fittings and Furniture for the new Office for the Secretary of State for Foreign Affairs	22,512
13.	For the Purchase of Land and Houses near Downing Street Site for Public Offices	42,760
14.	For Expenses connected with the Probate Court and Registries	13,764
15.	For enlarging the Public Record Repository, and providing the necessary Fittings	24,000
16.	Towards the Purchase of a Site for the Enlargement of the National Gallery	50,000
17.	For erecting a Building for the Use of the University of London	25,000
18.	For the Repair and Restoration of the Chapter House at Westminster	10,000
	Carried forward	813,679

No.		Sums not exceeding
		£
	Brought forward - -	813,679
19.	For Purchase of Lands for New Palace at Westminster, and further Embankment of the Thames - -	29,400
20.	For adapting Burlington House for the Occupation of various Learned Bodies - - - - -	55,000
21.	For One Half of the Expense of erecting, improving, and maintaining Court Houses or Offices for the Sheriff Courts in Scotland - - - - - -	26,905
22.	For Contributions in aid of Local Assessments for the Relief of the Poor in respect of certain Descriptions of Government Property - - - - - - -	36,252
23.	For Expenses of Inland Revenue and Post Office Buildings, &c. - - - - - -	89,470
24.	For erecting Offices in Downing Street for the Secretaries of State for the Home and Colonial Departments - -	10,000
25.	For a Grant in aid of Buildings for the University of Glasgow	20,000
26.	Towards the Expense of the Wellington Monument -	4,200
27.	For the Erection of the Palmerston Monument - -	2,000
28.	For erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland - - - - - -	149,259
29.	For the Purchase or Erection of Buildings for the Queen's University in Ireland - - - - - -	7,000
30.	For the Restoration of the Works of the Ulster Canal -	5,300
31.	For Works and Expenses at Portland Harbour - -	8,500
	TOTAL CIVIL SERVICES, CLASS I. - £	1,256,965

SCHEDULE (G.)—Supplies.

CIVIL SERVICES.—Class II.

Schedule of Sums granted by Section 17 of this Act to defray the Charges of the several Civil Services herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding £
1.	For Salaries and Expenses of the Department of Her Majesty's Treasury	52,609
2.	For Her Majesty's Foreign and other Secret Services	32,000
3.	For Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department	89,410
4.	For Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs	74,453
5.	For Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies	32,990
6.	For Salaries and Expenses in the Office of the Committee of Privy Council for Trade, and of the Subordinate Departments	97,725
7.	For Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland	6,176
8.	For Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London	22,927
9.	For Salaries and Expenses in the Department of Her Majesty's Paymaster General in London and Dublin	19,646
10.	For Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Offices in Scotland, and other Expenses formerly paid from the Hereditary Revenue	6,136
11.	For Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings	34,700
12.	For Salaries and Expenses of the Office of Public Works in Ireland	26,546
13.	For Salaries and Expenses in the Offices of the House of Commons	54,354
14.	For Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council	42,585
15.	For Salary of the Lord Privy Seal, and the Salaries and Expenses of his Establishment	2,918
16.	For conducting the Business of the Civil Service Commission	9,407
17.	For Salaries and Expenses in the Exchequer and Audit Department	38,500
18.	For Salaries and Expenses of the Office of Woods, Forests, and Land Revenues	26,958
19.	For Salaries and Expenses of the Department of Public Records	21,926
20.	For Expenses connected with the Administration of the Laws relating to the Poor	209,183
	Carried forward	901,149

Consolidated Fund (Appropriation).

No.		Sums not exceeding £
	Brought forward -	901,149
21.	For the Establishment of the Mint, including Expenses of the Coinage - - - - -	45,820
22.	For the Expense of the Copyhold, Inclosure, and Tithe Commission - - - - - - - -	20,294
23.	For the Imprest Expenses of the Inclosure and Drainage Acts - - - - - - -	11,200
24.	For Salaries and Expenses in the Department of the Registrar General of Births, &c., in London - - - -	40,961
25.	For Salaries and Expenses in the National Debt Office -	16,132
26	For Salaries and Expenses of the Establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners - - - -	4,429
27.	For certain Expenses of the Office of the Commissioners in Lunacy in England - - - - -	4,820
28.	For Salaries and Expenses in the Departments of the Registrars of Friendly Societies in England, Scotland, and Ireland - - - - - - - - - -	2,449
29.	For Salaries and Expenses of the Charity Commission for England and Wales - - - - -	18,438
30.	For Salaries and Expenses connected with the Patent Law Amendment Act - - - - -	32,071
31.	For Stationery, Printing, and Binding and Printed Books for the several Public Departments, and for Stationery, Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office - - - - -	395,909
32.	For Salaries and Expenses connected with the Administration of the Poor Law in Scotland - - - -	16,867
33.	For Salaries and Expenses in the Department of the Registrar General of Births, &c., Scotland - - - -	7,608
34.	For Salaries and Expenses of the Lunacy Board in Scotland - - - - - - -	6,206
35.	For Salaries and Expenses of the Board of Fisheries in Scotland - - - - - -	13,223
36.	For Salaries and Expenses of the Public Record Office, &c., Ireland - - - - - -	4,296
37.	For the Administration of the Laws relating to the Poor in Ireland - - - - - -	95,267
38.	For Salaries and Expenses of the Department of the Registrar General of Births, &c., and for Expenses of collecting Agricultural and Emigration Statistics in Ireland -	21,722
39.	For Charges connected with the Boundary Survey, Ireland -	250
40.	For Salaries and Expenses of the Commissioners of Charitable Donations and Bequests for Ireland - - -	2,188
	TOTAL CIVIL SERVICES, CLASS II. - £	1,661,299

SCHEDULE (H.)—Supplies.

CIVIL SERVICES.—Class III.

Schedule of Sums granted by Section 18 of this Act to defray the Charges of the several Civil Services herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding £
1.	For Law Charges, and for Salaries, Allowances, and incidental Expenses, including Prosecutions relating to Coin, in the Department of the Solicitor for the Affairs of Her Majesty's Treasury	43,100
2.	For Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates, including Adjudications under the Criminal Justice Act, Sheriffs' Expenses, Salaries in lieu of Fees to Clerks of Assize and other Officers, and for Compensation to Clerks of the Peace under the same Act, and other Expenses of the same Class	188,776
3.	For Police in Counties and Boroughs in England and Wales, and for Police in Scotland	266,000
4.	For Salaries and Expenses of Superior Courts of Common Law	56,283
5.	For Miscellaneous Legal Charges	21,346
6.	For Maintenance of Prisoners in County and Borough Prisons, Reformatory Institutions, and Industrial Schools, and of Criminal Lunatics in Private Asylums in Great Britain	240,070
7.	For Salaries and Expenses of the County Courts	493,674
8.	For Salaries and Expenses of the Police Courts of London and Sheerness	31,950
9.	For the Metropolitan Police	190,524
10.	For the Convict Establishments in the Colonies	150,891
11.	For the Expense of Criminal Prosecutions and other Law Charges in Ireland	106,314
12.	For Salaries and Expenses of the Superior Courts of Common Law in Ireland	28,421
13.	For certain Miscellaneous Legal Expenses in Ireland	9,020
14.	For Maintenance of Prisoners in County Prisons in Ireland	9,000
15.	For Salaries and incidental Expenses connected with Criminal Proceedings in Scotland	67,484
16.	For Salaries and Expenses of the Officers of the Courts of Law and Justice in Scotland	49,378
17.	For Salaries and Expenses of the Offices in Her Majesty's General Register House, Edinburgh	16,909
18.	For Salaries and Expenses in the Offices of the Registrar and Marshal of the High Court of Admiralty	13,705
19.	For Salaries and Expenses of the Courts of Probate and Divorce and Matrimonial Causes in England	89,979
	Carried forward	2,072,824

No.		Sums not exceeding £
	Brought forward -	2,072,824
20.	For Salaries and Expenses of the Office of Land Registry -	5,470
21.	For Government Prisons in England, and Expenses of Transportation - - - - - -	296,332
22.	For Maintenance of Criminal Lunatics in Broadmoor Criminal Lunatic Asylum, England - - -	33,929
23.	For Management of Prisons in Scotland and for Maintenance of Prisoners in Prisons at Perth, Ayr, &c. - -	24,267
24.	For Salaries and Expenses of certain Officers of the Court of Chancery in Ireland - - - - -	45,171
25.	For Salaries and Expenses in the Office for the Registration of Judgments in Ireland - - - - -	3,171
26.	For Salaries and Expenses of the Office for the Registration of Deeds in Ireland - - - - -	14,200
27.	For Salaries and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland - - -	8,400
28.	For Salaries and Expenses of the Court of Probate and of the District Registries in Ireland - - -	11,272
29.	For Salaries and Expenses of the Landed Estates Court in Ireland - - - - - -	12,906
30.	For Salaries of the Commissioners of Police, and for the Expense of the Police Courts and of the Metropolitan Police, Dublin - - - - -	95,488
31.	For the Constabulary Force, Ireland - - -	883,751
32.	For Expenses of the Four Courts Marshalsea Prison, Dublin	2,530
33.	For Superintendence of Prisons and Reformatory Schools, and Maintenance of Convicts in Government Prisons, and of Juvenile Offenders in Reformatory Schools in Ireland -	63,399
34.	For Maintenance of Criminal Lunatics in Dundrum Criminal Lunatic Asylum, Ireland - - - - -	4,376
35.	For Salaries and Expenses of the Admiralty Court Registry in Ireland - - - - - -	2,200
	TOTAL CIVIL SERVICES, CLASS III. - - £	3,579,686

SCHEDULE (I.)—SUPPLIES.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted by Section 19 of this Act to defray the Charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

	Sums not exceeding
	£
1. For Grants in aid of the Expenditure of certain Learned Societies in Great Britain	11,800
2. For the Purchase of the Antiquarian Collection of the late Dr. Petrie	1,580
3. For the Queen's Colleges in Ireland	4,265
4. For the Royal Irish Academy	1,784
5. For Salaries of the Theological Professors, and the incidental Expenses of the General Assembly's College at Belfast	2,050
6. For Grants to Scottish Universities	17,949
7. On account of the Annuity to the Board of Manufactures in Scotland, in discharge of Equivalents under the Treaty of Union and for the Exhibition of the Torrie Collection, and for other Purposes	4,200
8. For Public Education in Great Britain	781,324
9. For the Salaries and Expenses of the Department of Science and Art, and of the Establishments connected therewith	218,690
10. For the University of London	9,063
11. For a Grant to the Trustees of the British Museum in aid of the Expenses of that Establishment	99,380
12. For Salaries and Expenses of the National Gallery, including the Purchase of Pictures	15,992
13. For the Formation of the British Historical Portrait Gallery	1,800
14. For Public Education in Ireland under the Commissioners of National Education in Ireland	360,195
15. For the Expenses of the Office of the Commissioners of Education in Ireland	730
16. For the Queen's University in Ireland	3,155
17. For Salaries and Expenses of the National Gallery of Ireland, and for the Purchase of Pictures	2,740
TOTAL CIVIL SERVICES, CLASS IV. £	1,536,697

SCHEDULE (J.)—Supplies.

CIVIL SERVICES.—Class V.

Schedule of Sums granted by Section 20 of this Act to defray the Charges of the several Civil Services herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding
		£
1.	On account of the Treasury Chest - - -	10,701
2.	For Bounties on Slaves and Tonnage Bounties, and for Expenses of the Liberated African Department - -	28,656
3.	For Expenses connected with the Emigration of Coolies from India to French Colonies - - - -	1,200
4.	For Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves - - - -	7,360
5.	For the Consular Establishments abroad - - -	171,178
6.	For the Establishments in China, Japan, and Siam - -	117,615
7.	For the Extraordinary Disbursements of Her Majesty's Embassies and Missions abroad - - -	56,314
8.	For the Salaries and Allowances of Governors, &c., and for other Expenses in certain Colonies - - -	74,950
9.	For the Orange River Territory (Cape of Good Hope) and the Island of St. Helena - - - -	4,072
10.	For the Emigration Board and Emigration Officers at the different Ports of this Kingdom, and for certain other Expenses connected with Emigration - -	14,231
	Total Civil Services, Class V. - £	486,277

SCHEDULE (K.)—Supplies.

CIVIL SERVICES.—Class VI.

Schedule of Sums granted by Section 21 of this Act to defray the Charges of the several Civil Services herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding £
1.	For Miscellaneous, Charitable, and other Allowances in Great Britain	7,083
2.	For Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund	51,040
3.	For the Relief of distressed British Seamen abroad	45,400
4.	For Superannuation and Retired Allowances to Persons formerly employed in the Public Service	255,867
5.	For the Support of certain Hospitals and Infirmaries, Ireland	19,134
6.	For certain Miscellaneous, Charitable, and other Allowances in Ireland	6,915
7.	For Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland	41,386
	Total Civil Services, Class VI. £	426,825

SCHEDULE (L.)—Supplies.

CIVIL SERVICES.—Class VII.

Schedule of Sums granted by Section 22 of this Act to defray the Charges of the several Civil Services herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding
		£
1.	For Salaries and Expenses of temporary Commissions -	40,000
2.	For the Expense of the Telegraphic Cable laid down between Malta and Alexandria, and of the Balmoral Telegraph -	780
3.	For certain Miscellaneous Expenses - - - - -	39,377
4.	For Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity - - - - - -	47,599
5.	For encouraging the Cultivation of Flax in Ireland - -	4,000
6.	For Compensation to Portpatrick Railway Company -	20,000
7.	For Compensation for Losses by Explosion at Clerkenwell -	7,500
8.	For Cost of accelerating Registration under the Reform Acts	10,000
	Total Civil Services, Class VII. - £	169,256

SCHEDULE (M.)—Supplies.

REVENUE DEPARTMENTS.

Schedule of Sums granted by Section 23 of this Act to defray the Charges of the several Revenue Departments herein particularly mentioned, which will come in course of Payment during the Year ending on the 31st Day of March 1869; viz.:—

No.		Sums not exceeding
		£
1.	For the Salaries and Expenses of the Customs Department -	1,024,653
2.	For the Salaries and Expenses of the Inland Revenue Department - - - - -	1,574,210
3.	For Post Office Services and the Collection of the Post Office Revenue - - - - -	2,369,235
	Total Revenue Departments - - £	4,968,098

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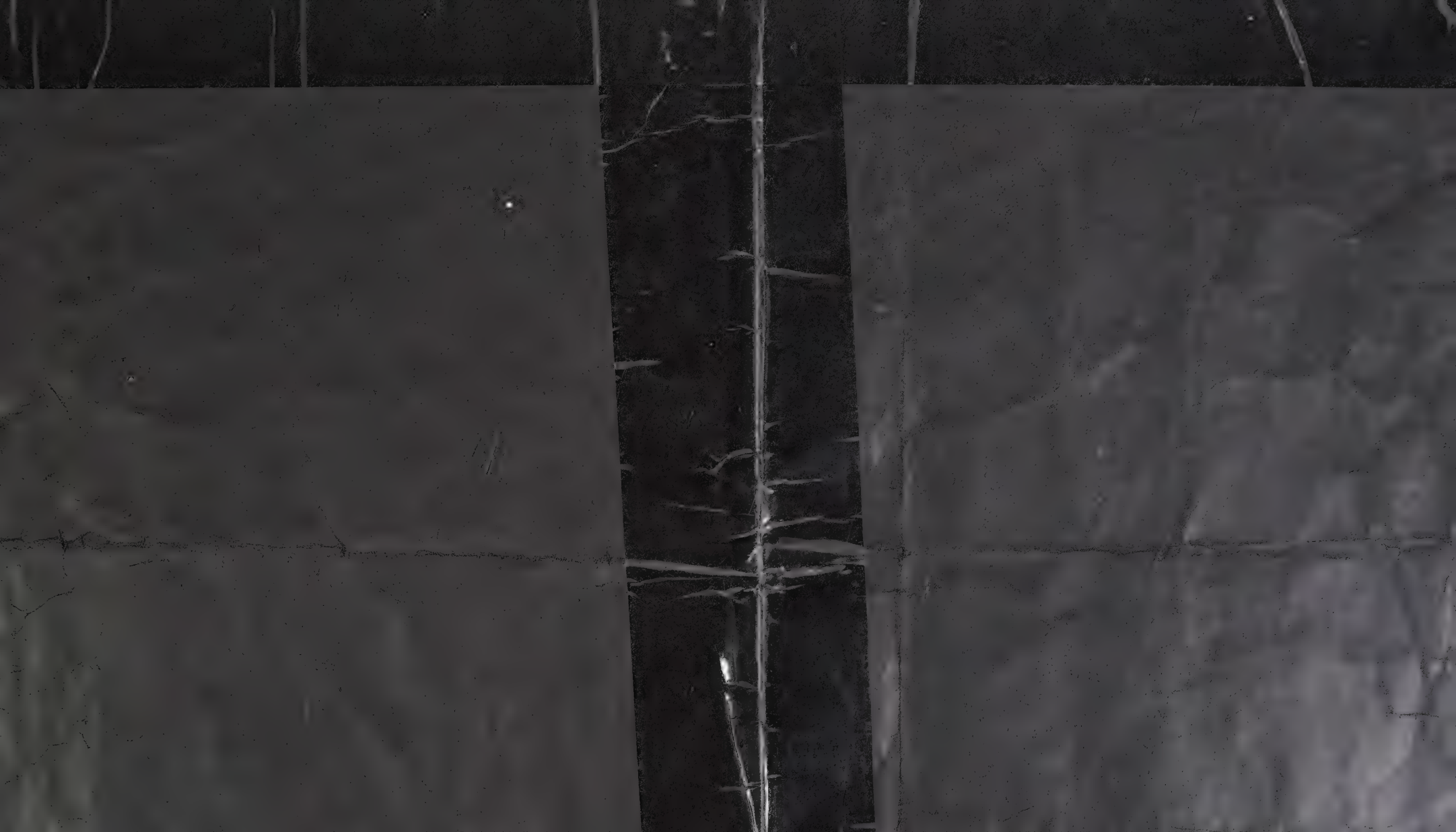

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VICTORIÆ REGINÆ.

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Assignees of Marine Policies.

Assignment by Endorsement.

2. It shall be lawful to make any Assignment of a Policy of Insurance by Endorsement on the Policy in the Words or to the Effect set forth in the Schedule hereto.

Interpretation of Terms.

3. For the Purposes and in the Construction of this Act the Term "Policy of Insurance" or "Policy" shall mean any Instrument by which the Payment of Money is assured or secured on the happening of any of the Contingencies named or contemplated in the Instrument of Assurance known as "*Lloyd's* Policy," or in any other Form adopted for insuring Ships, Freights, and Goods carried by Sea.

Short Title.

4. This Act may be cited for all Purposes as the "Policies of Marine Assurance Act, 1868."

SCHEDULE.

FORM OF ASSIGNMENT.

I *A.B.* of, *&c.*, do hereby assign unto *C.D.*, *&c.*, his Executors, Administrators, and Assigns, the within Policy of Assurance on the Ship, Freight, and the Goods therein carried [*or* on Ship or Freight or Goods, *as the Case may be*].

In witness whereof, *&c.*

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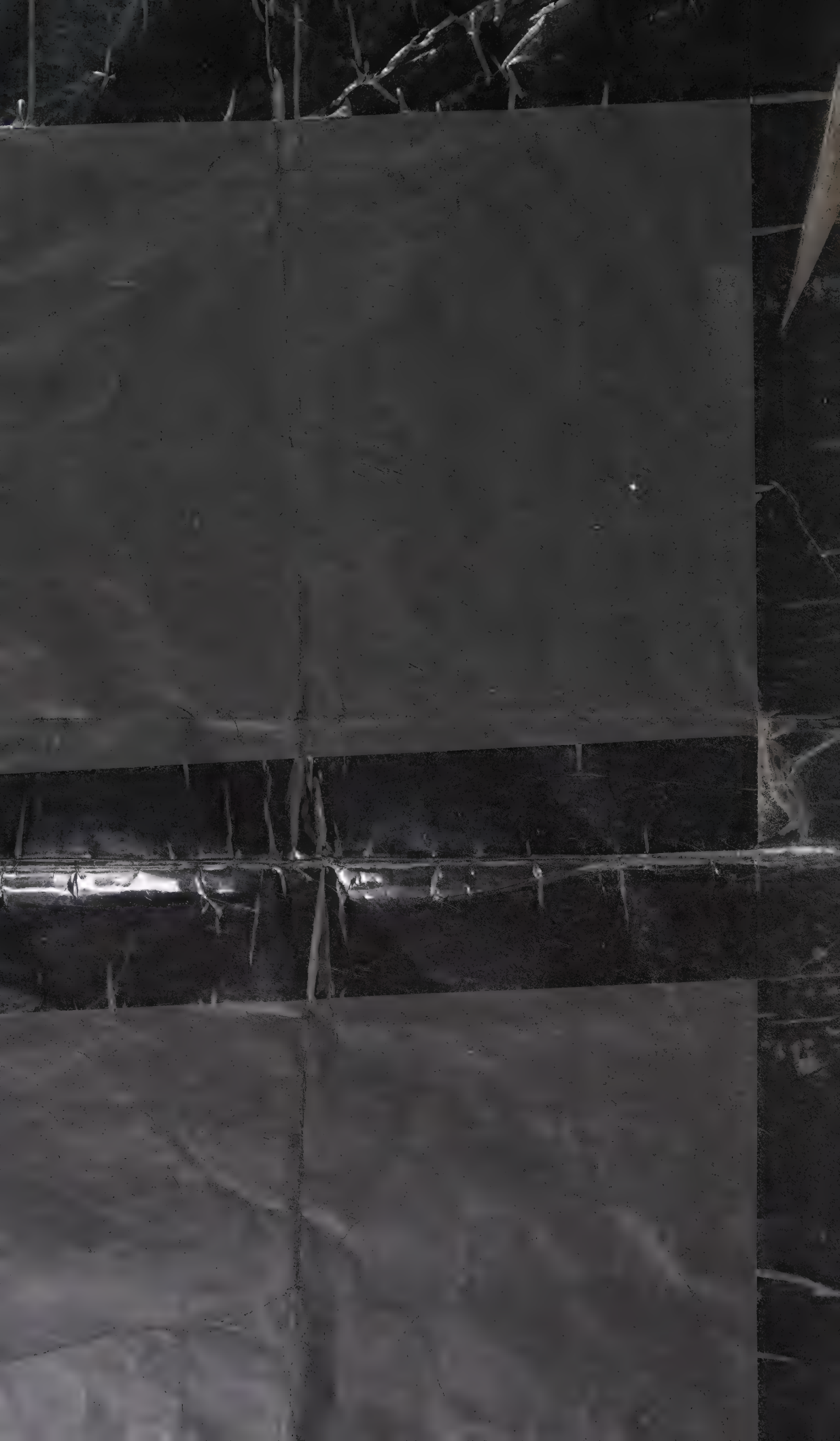

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VICTORIÆ REGINÆ.

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CAP. LXXXVII.

An Act to amend the Act of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Fifty-two, intituled *An Act to further extend and make compulsory the Practice of Vaccination in* Ireland.

[31st *July* 1868.]

WHEREAS an Act was passed in the Session of Parliament held in the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, intituled *An Act to further extend and make compulsory the Practice of Vaccination in* Ireland: 26 & 27 Vict. c. 52.

And whereas it is expedient to amend the same:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the "Vaccination Amendment (*Ireland*) Act, 1868." Short Title.

2. This Act shall be construed as One with the said Act, Twenty-sixth and Twenty-seventh *Victoria*, Chapter Fifty-two. Construction of Act.

3. The

Vaccination not Parochial Relief so as to disqualify.

3. The Vaccination, or the Surgical or Medical Assistance incident to the Vaccination, of any Person in a Union or Parish, heretofore or hereafter performed or rendered under the said Act, Twenty-sixth and Twenty-seventh *Victoria*, Chapter Fifty-two, shall not be considered to be Parochial Relief, Alms, or charitable Allowance to such Person or his Parent, and no such Person or his Parent shall by reason thereof be deprived of any Right or Privilege, or be subject to any Disability or Disqualification.

Penalty upon Persons inoculating with Small-pox.

4. Any Person who shall after the passing of this Act produce or attempt to produce in any Person by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by any other Means whatsoever produce the Disease of Smallpox in any Person, shall be guilty of an Offence, and shall be liable to be proceeded against summarily before Two or more Justices of the Peace in Petty Sessions assembled, and upon Conviction to be imprisoned for any Term not exceeding Six Months.

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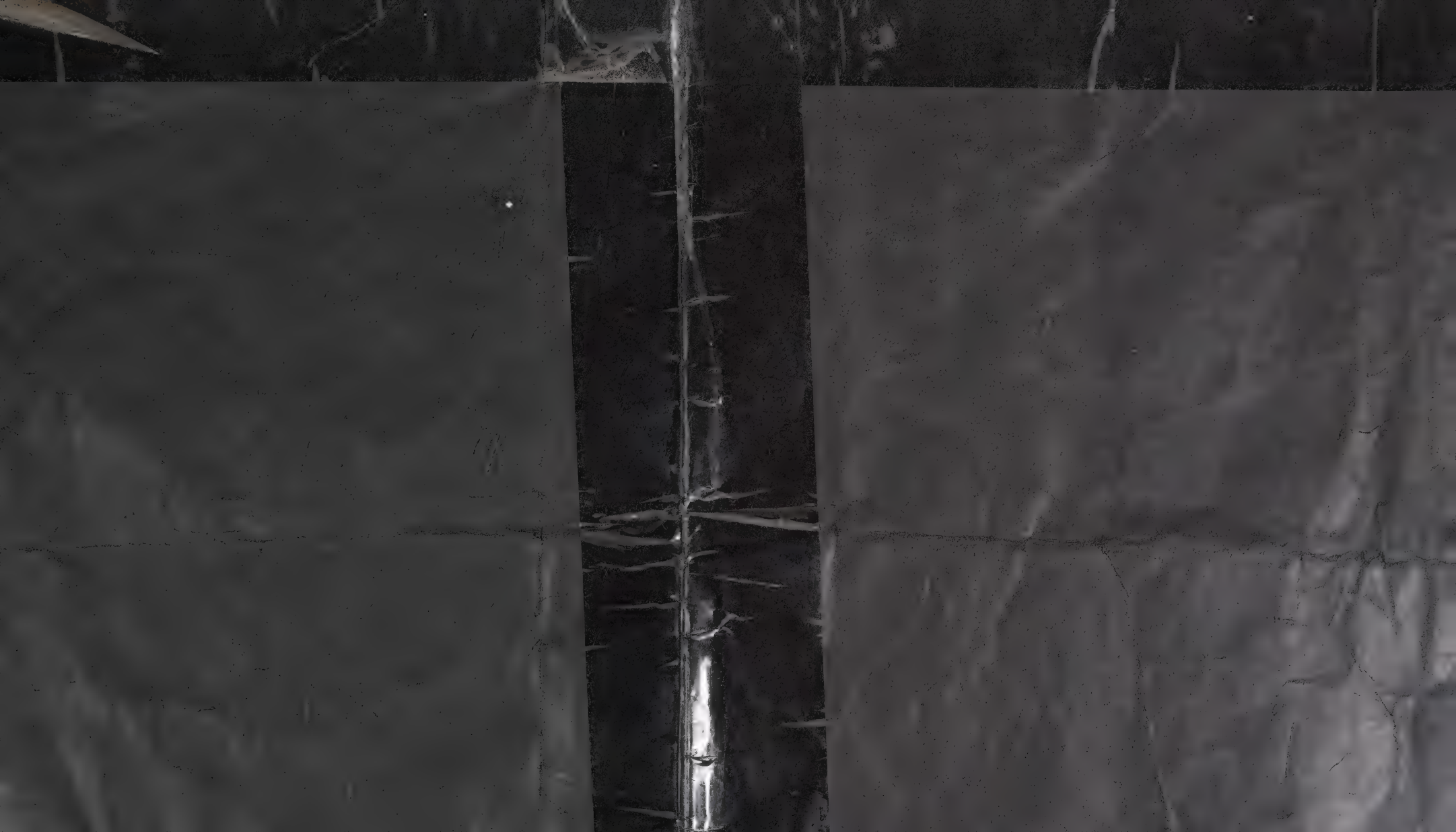

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VICTORIÆ REGINÆ.

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CAP. LXXXVIII.

An Act for transferring the Fee and other Funds of the Courts of Chancery and Exchequer in *Ireland* to the Consolidated Fund.

[31st *July* 1868.]

WHEREAS by "The Chancery (*Ireland*) Act, 1867," it was provided that the Income of all Suitors Fee and other Funds should be accounted for and paid into the Exchequer in such Manner as the Commissioners of Her Majesty's Treasury might direct: 30 & 31 Vict. c. 44.

And whereas the Income of the Funds above mentioned arises from the Dividends on the Sum of One hundred and forty-six thousand two hundred and eighty-five Pounds Nine Shillings New Three *per Cent.* Stock, standing in the Name of the Accountant General of the High Court of Chancery in *Ireland* to the Credit of the "Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," and from the Dividends on the further Sum of Twenty-seven thousand three hundred and eleven Pounds Fifteen Shillings and Fivepence New Three *per Cent.* Stock, standing in the Name of the said Accountant General of the High Court of Chancery in *Ireland* to the Credit of the "Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*:"

And whereas there are now no Government Securities standing to the Credit of the "Suitors Fee Fund Account of the Court of

Chancery in *Ireland*," but there is a Sum of Three thousand three hundred and seventy-four Pounds and Elevenpence in Cash standing in the Bank of *Ireland* to the Credit of that Account:

And whereas under the Provisions of the Acts mentioned in the Schedule to this Act annexed various Sums of Money have from Time to Time been advanced and paid out of the said Consolidated Fund in order to meet and defray therewith a Portion of the Charges for or in respect of the Compensations in the said Acts respectively mentioned in aid of the said Funds, and such Advances amount now to the Sum of One hundred and fourteen thousand three hundred and eighty-three Pounds Eight Shillings and One Penny:

And whereas under the Provisions of "The Chancery Appeal Court (*Ireland*) Act, 1856," various other Sums of Money have from Time to Time been advanced and paid out of the said Consolidated Fund in aid of the said "Suitors Fee Fund Account," and such last-mentioned Advances and Payments amount to the Sum of Three hundred and eight thousand eight hundred and fifty Pounds, which last-mentioned Sum is now (under the Provisions of the said Act) a Charge in favour of the Crown against the said "Suitors Fee Fund Account:"

And whereas the said Two Sums of One hundred and fourteen thousand three hundred and eighty-three Pounds Eight Shillings and One Penny, and Three hundred and eight thousand eight hundred and fifty Pounds, making together the Sum of Four hundred and twenty-three thousand two hundred and thirty-three Pounds Eight Shillings and One Penny, are still due and owing to the Consolidated Fund of the United Kingdom:

And whereas it is expedient that the said Two Funds, that is to say, "The Compensation and Fee Fund of the Suitors of the Court "of Chancery in *Ireland*," and "The Account of the Compensation "and Fee Fund of the Court of Exchequer in *Ireland*," should be forthwith sold or converted into Cash, and the Produce thereof, and the said Sum of Three thousand three hundred and seventy-four Pounds and Elevenpence, be transferred to Her Majesty's Exchequer as a Set-off, so far as the same extends, against the said Advances thus made from Time to Time out of the Consolidated Fund as aforesaid:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: that is to say,

Sale of Stock and Transfer of Produce to

1. The said Sum of One hundred and forty-six thousand two hundred and eighty-five Pounds Nine Shillings New Three *per Cent.* Stock now standing in the Name of the Accountant General of the High

Courts of Chancery and Exchequer (Ireland) Fee Funds.

High Court of Chancery in *Ireland* to the Credit of the Compensation and Fee Fund of the Suitors of the said Court of Chancery in *Ireland*, and the said Sum of Twenty-seven thousand three hundred and eleven Pounds Fifteen Shillings and Fivepence New Three *per Cent.* Stock now standing in the Name of the Accountant General of the High Court of Chancery in *Ireland* to the Credit of the Compensation and Fee Fund of the Suitors of the Court of Exchequer in *Ireland*, shall respectively as soon as may be after the passing of this Act be transferred and entered in the Books of the Bank of *England* into the Account of the Commissioners for the Reduction of the National Debt, and be by such Commissioners sold or converted into Cash, and the Produce of such Sale or Conversion, together with the said Sum of Three thousand three hundred and seventy-four Pounds and Elevenpence, be carried in such Manner as the Commissioners of Her Majesty's Treasury may direct to and form Part of the said Consolidated Fund. Consolidated Fund.

2. If at any Time the whole or any Part of the said Sums of One hundred and forty-six thousand two hundred and eighty-five Pounds Nine Shillings New Three *per Cent.* Stock, and Twenty-seven thousand three hundred and eleven Pounds Fifteen Shillings and Fivepence New Three *per Cent.* Stock shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the whole or any Part of the said Sums that shall be wanted to answer the said Demands as aforesaid shall be chargeable upon and paid out of the said Consolidated Fund or the growing Produce thereof. Demands of Suitors to be made good by Treasury.

SCHEDULE.

4 & 5 Will. 4. c. 78.
6 & 7 Will. 4. c. 74.
6 & 7 Vict. c. 55.
13 & 14 Vict. c. 51.

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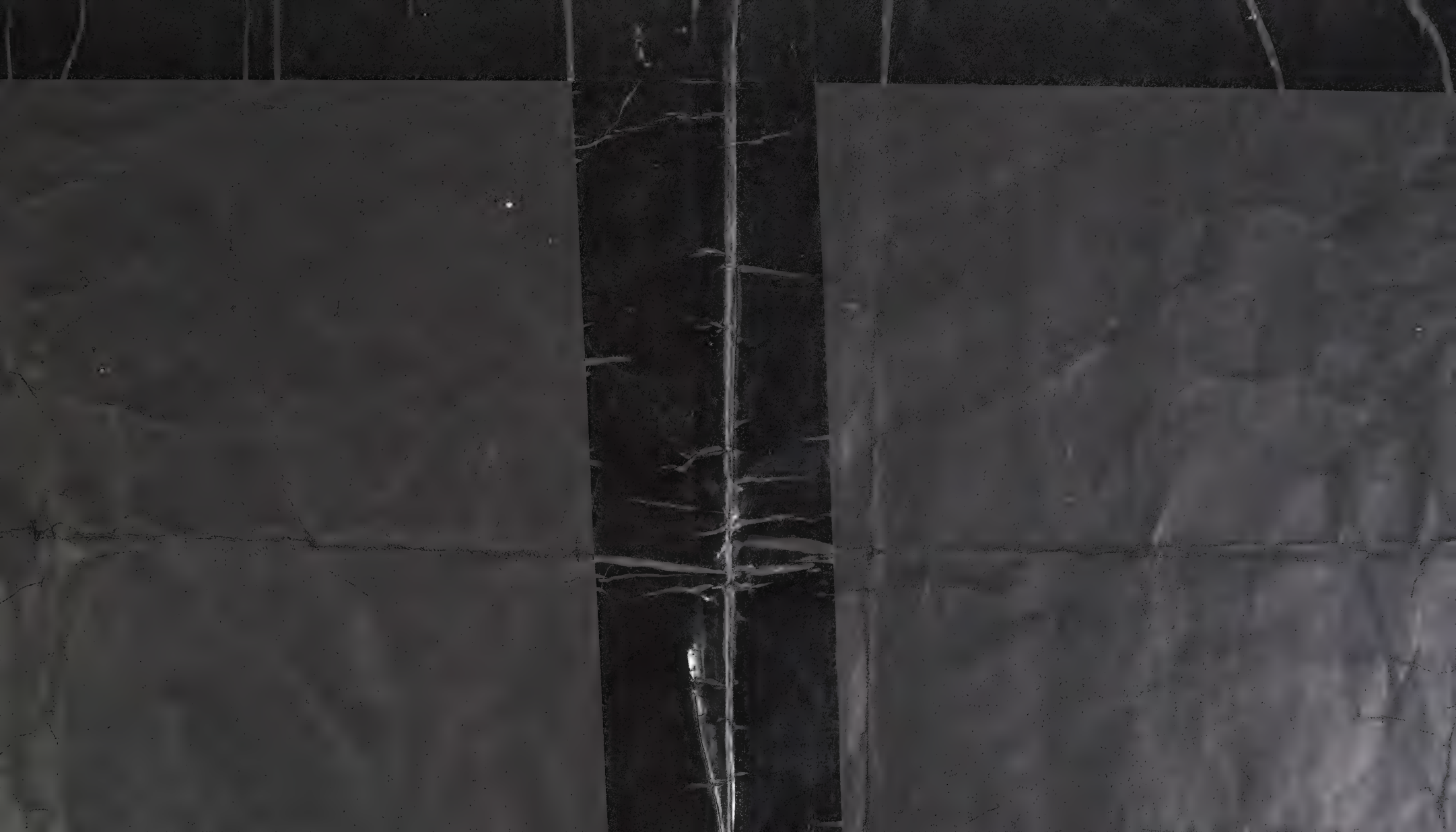

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VICTORIÆ REGINÆ.

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CAP. LXXXIX.

An Act to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office. [31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Security for Costs of Inquiries to be taken by Commissioners.

1. That, notwithstanding any Provisions in the said Acts contained, in all Proceedings upon Applications made under any of the said Acts by any Person or Persons interested within the Meaning of the same, in which it is necessary or expedient, in the Opinion of the Commissioners, that an Inquiry should be made by an Assistant Commissioner, and a Meeting held by him, the Commissioners, before they refer the same to such Assistant Commissioner, shall take such Security as they shall deem right for the Payment of any Costs which they may incur in the Matter of such Inquiry and Meeting, including all Expenses of such Assistant Commissioner's Attendance:

Attendance: Provided always, that it shall not be necessary for the Commissioners to take Security for the Costs which they may incur relating to any Inquiry which they may think it right to make under Section Twenty-two of "The Copyhold Act, 1852."

Valuations to be stamped.

2. In all Cases of Exchanges, Partitions, or Divisions of intermixed Lands proposed to be effected under the said Acts, the Commissioners shall not proceed to carry the same into effect unless the Valuations required to be furnished to them shall be duly stamped with a Stamp, as required by the Acts in force for the Time being for levying Stamp Duties on Appraisements; and all Valuations attached to the Reports of any University or College Surveyor, made for the Purpose of Transactions to which the Consent of the Commissioners is required, under the Universities and College Estates Acts, shall in like Manner be stamped before the Commissioners shall issue their Order authorizing such Transaction.

Costs of Taxation, how to be recovered.

3. In all Cases in which any Dispute as to the Expenses incidental to an Enfranchisement, or as to the Compensation to be paid to the Steward, shall be referred to the Commissioners for their Certificate, the Costs incurred by them in ascertaining the same shall be paid to the Commissioners, either by the Person making such Reference or applying for such Certificate, or by the Person whose Costs are so taxed, as the Commissioners, by Order under their Hands and Seal, may direct, and such Order shall state the Amount of such Costs; and the Commissioners shall have Power, by Application to any County Court, to recover the same from the Person liable under such Order, together with all Costs of such Application, and such Order shall be conclusive Evidence of such Debt.

Power to Commissioners to enforce Production of Documents belonging to Inclosure.

4. In any Case in which an Inclosure has been authorized by Parliament, and a Valuer appointed, it shall be lawful for the Commissioners, at any Time they shall see Occasion, by an Order under their Hands and Seal, to require such Valuer, or any other Person who shall have Charge of or be in possession of any Schedule, Valuation, Plan, Report, Award, or other Document relating to such Inclosure, to deliver the same to them at their Office; and in default of such Delivery within the Time named in such Order it shall be lawful for the Commissioners to summons such Valuer or other Person before the Judge of the County Court for the County in which the Lands or any Part thereof authorized to be inclosed shall be situate; and the Judge of such Court shall, upon Production of the Order of the Commissioners, give such Direction to enforce such Order, at the Expense of the Person neglecting or refusing to obey

obey the same, as he is now by Law enabled to give to compel the Production of Papers and Documents before such Court.

Commissioners to ascertain and allow proportionate Payment to Valuer or Surveyor.

5. Where any such Order has been made as aforesaid, or where any Valuer has been removed under the Provisions of the said Acts, the Commissioners shall, upon the Application of the Valuer or Surveyor, his Executors, Administrators, or Assigns, take such Steps as they may see fit to ascertain the Progress which has been made towards the Completion of the Inclosure, and determine and award under their Hands and Seal the Sum to be paid to such Valuer or Surveyor, his Executors, Administrators, or Assigns, in respect of his Services, and the Sum so awarded, together with all Costs incurred by the Commissioners in ascertaining and determining the same, shall be a Charge upon the Landowners, and shall form Part of the Expenses of such Inclosure, and shall be raised and defrayed in the same Manner as the other Expenses of such Inclosure.

Commissioners to prepare a Table of Fees.

6. The Commissioners shall, as soon as conveniently may be after the passing of this Act, prepare a Table or Tables of Fees to be taken in respect of the Business transacted under the Acts administered by them, and such Table of Fees shall be subject to the Approval of the Lords Commissioners of Her Majesty's Treasury; and the Commissioners may, with the like Approval, from Time to Time alter, amend, add to, or reduce such Fees or any of them; and every such Table of Fees, and every such Alteration, Amendment, Addition, or Reduction into or of the same, shall be published in the *London Gazette*, and shall be laid before Parliament; and all Fees payable in accordance with such Table or Tables shall be received by Stamps denoting the Amount of Fee payable, and not in Money.

When any Fee is payable in respect of any Document, a Stamp denoting the Amount of Fee shall be affixed to or impressed upon such Document.

The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps, and shall keep a separate Account of such Stamps; and the Provisions in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be affixed or impressed, and be applied and put into execution for collecting and securing the Sums of Money denoted thereby, and for detecting, preventing, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been

been herein repeated and specially enacted with reference to such last-mentioned Stamps.

The Provisions herein enacted relating to Fees shall be applicable to and take the Place of the Enactments relating to Fees contained in the Ninetieth and following Section of "The Improvement of Land Act, 1864."

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Civil Service entitled to Sums under 100*l.*, direct Payment thereof without Production of Letters of Administration.

Allowances or Annuities granted under Authority of Parliament, it shall be lawful for the Commissioners of Her Majesty's Treasury, or for such Departments as may be deputed by such Commissioners to exercise like Powers in reference to Claims payable upon their Orders respectively, on being satisfied of the Expediency of dispensing with Probate or Letters of Administration, to authorize the Payment of such Sum or Sums to such Person or Persons as the said Commissioners or Departments may consider entitled thereto, without requiring the Production of Probate or of Letters of Administration, payment to be made under such Regulations as to the said Commissioners may seem fit.

Extension of Powers of War Department as to such Payments to Sums under 100*l.*

2. In the Case of any Civil or Military Allowances chargeable to the Army Votes and of Army Prize Money, the Sum, not exceeding One hundred Pounds, due at the Death of a Claimant may be dealt with by the Secretary of State for War, or the Commissioners of *Chelsea Hospital*, in accordance with the Enactments already in Force with respect to Sums of lesser Amount similarly due.

Indemnity.

3. Any Payment made in pursuance of this Act shall be valid against all Persons whatever, and all Persons acting under its Provisions shall be absolutely discharged from all Liability in respect of any Monies duly paid or applied by them under this Act.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. XCI.

An Act to settle an Annuity upon Lieutenant General Sir *Robert Napier*, G.C.B., G.C.S.I., and the next surviving Heir Male of his Body, in consideration of his eminent Services.

[31st *July* 1868.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, duly considering the Approbation graciously signified by Your Majesty of the eminent and distinguished Services rendered by Sir *Robert Napier*, Lieutenant General in Your Majesty's Army, and Commander-in-Chief of the Army of *Bombay*, and particularly in the Conduct of the recent Expedition into *Abyssinia*, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Annuity of 2,000*l.* to Sir Robert Napier,

1. An Annuity of Two thousand Pounds shall be paid to Lieutenant General Sir *Robert Napier*, G.C.B. and G.C.S.I., and the next surviving Heir Male of his Body, for the Term of their natural Lives;

G.C.B., G.C.S.I., and his next surviving Heir Male.

Lives; and the said Annuity shall issue and be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be deemed to have commenced and taken effect from the Ninth Day of *July* One thousand eight hundred and sixty-eight, and the first Payment of a proportionate Part thereof respectively for the Period from such Commencement to the Tenth Day of *October* One thousand eight hundred and sixty-eight shall be made on the said Tenth Day of *October* One thousand eight hundred and sixty-eight, and such Annuity shall thereafter be paid quarterly on the usual Quarter Days; and the Receipt of the said Sir *Robert Napier*, and after his Decease the Receipt of the next surviving Heir Male of his Body, or of such other Person or Persons as shall be duly authorized and appointed to receive the said Annuity, shall be a good and sufficient Discharge for the Payments thereof; and the said Annuity shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

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VICTORIÆ REGINÆ.

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CAP. XCII.

An Act to declare the Powers of the General Assembly of *New Zealand* to abolish any Province in that Colony, or to withdraw from any such Province any Part of the Territory thereof.

[31st *July* 1868.]

WHEREAS by the Third Section of an Act of the Session holden in the Twenty-fifth and Twenty-sixth Years of Her Majesty, intituled *An Act respecting the Establishment and Government of Provinces in* New Zealand, *and to enable the Legislature of* New Zealand *to repeal the Seventy-third Section of an Act, intituled "An Act to grant a Representative Constitution to the Colony of* New Zealand," it was provided, that it should be lawful for the General Assembly of *New Zealand*, by any Act or Acts to be by them from Time to Time passed, to establish or provide for the Establishment of new Provinces in the Colony of *New Zealand*, and to alter or to provide for the Alteration of the Boundaries of any Provinces for the Time being existing in the said Colony, and to make Provision for the Administration of any such Provinces, and for the passing of Laws for the Peace, Order, and good Government thereof: And whereas Doubts are entertained whether the said General Assembly has Power under 25 & 26 Vict. c. 48. s. 3.

the

the above-recited Enactments, or otherwise, to abolish any such Province now or hereafter to be established, or to withdraw from such Province any Part of the Territory comprised therein, except for the Purpose of including the same within the Limits of some other such Province, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

General Assembly to have, and to be deemed to have had, Power to abolish any Province, to withdraw therefrom any Territory, and to make Laws for such Territory.

1. The General Assembly of *New Zealand* shall be deemed to have, and since the passing of the afore-mentioned Act to have had, the Power of abolishing any Province at any Time heretofore or hereafter to be established in *New Zealand*, or of withdrawing therefrom the whole or any Part of the Territory comprised therein, and of passing Laws for the Peace, Order, and good Government of the Territory so withdrawn from or ceasing to form Part of the Territory of any such Province, whether such Territory shall or shall not be included within the Limits of any other Province of *New Zealand*, and also the Power of making from Time to Time such Provision, as to such General Assembly shall seem expedient, relating to the Effect and Operation of any such Withdrawals of Territory in or with respect to the Province from which such Territory shall have been withdrawn, and the Superintendent and Members of the Provincial Council thereof for the Time being in Office, and the Laws in force in such Province at the Time of such Withdrawals of Territory therefrom.

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VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act to remove Doubts respecting the Operation of the *New Zealand* Company's Act of the Ninth and Tenth Years of *Victoria*, Chapter Three hundred and eighty-two (Local and Personal).

[31st *July* 1868.]

Recital of 9 & 10 Vict. c. cccl xxxii. s. 51.

WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, intituled *An Act to grant certain Powers to the* New Zealand *Company*, after reciting that divers Land Orders or Contracts for the Sale or Conveyance of Lands, Tenements, and Hereditaments in *New Zealand* had from Time to Time been issued and made by the said Company, it was, by the Fifty-first Section, amongst other things enacted that a Conveyance by the said Company, or their Trustees in whom the same should be vested, of the Lands, Tenements, and Hereditaments to which any such Land Order or Contract should relate should be deemed both at Law and in Equity, as well in the Colony of *New Zealand* as elsewhere, a full and complete Performance by and on the Part of the Company of the Contract or Obligation contained in or resulting from such Land Order to convey the said Lands, Tenements, and Hereditaments, and

 should

should exonerate the Company, their Successors and Assigns, from all Responsibility as to the Disposition of such Lands, Tenements, and Hereditaments, or any of them, or any other Matter or Thing consequent on or resulting from such Conveyance; but, notwithstanding any Rule of Law or Equity to the contrary prevailing in the Colony of *New Zealand* or elsewhere, the Lands, Tenements, and Hereditaments comprised in any such Conveyance should continue and be subject to such equitable Estates, Charges, and Liens, if any, created by the Purchaser or Purchasers named in the Land Order or Contract to which the same should relate, or any Person deriving Title from, through, or under him, her, or them, as at the Date of such Conveyance should be subsisting, or be then or thereafter capable of taking effect, and the Rights and Interests of the Parties interested as or through the Purchaser or Purchasers named in such Land Order or Contract (*inter se*) should remain unaffected thereby:

Recital of 14 & 15 Vict. c. 86.

And whereas by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, intituled *An Act to regulate the Affairs of certain Settlements established by the* New Zealand *Company in* New Zealand, after reciting amongst other things that all the Lands, Tenements, and Hereditaments of the said Company in the Colony of *New Zealand* had reverted to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, it was amongst other things enacted that thenceforth in all Cases falling within the Provisions of the Fifty-first Section of the herein-before recited Act of Ninth and Tenth of *Victoria* a Grant or Conveyance by Her Majesty, Her Successors or Assigns, should have the like Force and Effect in all respects as a Conveyance by the *New Zealand* Company has or would have had by virtue of the said Act in case the Company had continued in full Exercise of their Functions:

Doubts as to Position of certain Equitable Estates.

And whereas Doubts have been entertained as to whether the Equitable Estates, Charges, and Liens in the said Fifty-first Section referred to have been, are, or will be affected by the Provisions affecting or relating to Equitable Estates, Charges, and Liens contained in any Law of the Colony which has been or may hereafter be made; and it is expedient that such Doubts should be removed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Equitable Estates, &c. referred to in sec. 51 of

1. Nothing in the said first-recited Act contained shall be deemed or taken to prevent any of the said Equitable Estates, Charges, or Liens therein referred to from being subject to and affected by any

any Laws which have been since the passing of the said first-recited Act or which may hereafter be made by the Legislature of the Colony of *New Zealand*, affecting Equitable Estates, Charges, and Liens in and on Lands, Tenements, and Hereditaments in the said Colony. 9 & 10 Vict. c. cccIxxxii. subject to Laws of Colony.

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VICTORIÆ REGINÆ.

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CAP. XCIV.

An Act to authorize the further Extension of the Period for Repayment of Advances made under the Railway Companies (*Ireland*) Temporary Advances Act, 1866. [31st *July* 1868.]

WHEREAS by the Railway Companies (*Ireland*) Temporary Advances Act, 1867, the Time for Repayment of Advances made by the Public Works Loan Commissioners under the Railway Companies (*Ireland*) Temporary Advances Act, 1866, was authorized to be extended as therein mentioned, and it is expedient that the Time for Repayment of the said Advances should be further extended: 30 & 31 Vict. c. 138.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Railway Companies (*Ireland*) Temporary Advances Act, 1868." Short Title.

2. On the Application of any Railway Company to whom any Advance has been made under the Provisions of the Railway Companies (*Ireland*) Temporary Advances Act, 1866, and with the Approbation Public Works Loan Commissioners may

consent that Time for Repayment of Advances may be further extended.

Approbation of the Commissioners of Her Majesty's Treasury, and subject to such Terms and Conditions (if any) as to Payment of Interest or otherwise as the last-mentioned Commissioners may think proper to impose, it shall be lawful for the Public Works Loan Commissioners, by any Writing under the Hand of their Secretary for the Time being, to consent that the Time for Repayment of all or any Part of the Principal Money remaining due in respect of any such Advance shall be extended to any Day not later than Twelve Calendar Months from the Day when the same Advance shall become due by the Terms of the Debenture or other Security given for securing the same, or to any Day not later than Twelve Months from the Day when the same Advance shall become due under any Extension of Time granted under the Authority of the recited Act; and after any such Consent shall have been given, and for all the Purposes of the Railway Companies (*Ireland*) Temporary Advances Act, 1866, the Principal Money secured by any Debenture or other Security given under that Act shall be deemed to have become due only on the Day to which the Time for Repayment of such Principal Money shall be extended by any Consent to be given as provided by this Act, and all Powers and Provisions for recovering and compelling Payment of such Principal Money shall be read and have Effect accordingly.

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VICTORIÆ REGINÆ.

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CAP. XCV.

An Act to amend the Procedure in the Court of Justiciary and other Criminal Courts in *Scotland*.

[31st *July* 1868.]

WHEREAS it is expedient that the Procedure in the Court of Justiciary and also in the Criminal Courts of the Sheriffs in *Scotland* should be amended:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Quorum at Trials in High Court of Justiciary.

1. The Lord Justice-General, Lord Justice Clerk, or any One Lord Commissioner of Justiciary may preside alone at the Trial of any Panel before the High Court of Justiciary, and when so presiding shall constitute a Quorum of said High Court: Provided that in any Trial of Difficulty or Importance it shall be competent for Two or more Judges of Justiciary to preside thereat.

Judges holding Circuit Courts may sit and act separately,

2. Wherever it is expedient for the greater Despatch of Business before any Circuit Court of Justiciary, it shall be lawful for the Two Judges holding the said Court to sit in separate Court-rooms, and to perform separately the Duties and despatch the Business of the said

and Proceedings to be held good.

Court, or such Part thereof as it may be desirable so to perform; and each of the said Judges so sitting apart shall possess all the Powers which would belong to the said Judges sitting and judging together; and all the Proceedings of the said Judges, whether sitting separately or together, shall be held as Proceedings in the said Circuit Court of Justiciary.

Case of protracted Sittings of Circuit Court.

3. Notwithstanding the Continuance of the Sitting of the Circuit Court of Justiciary at any Circuit Town, it shall be competent for One of the Lords Commissioners of Justiciary on such Circuit to proceed to the next Circuit Town, and there to open the Court and despatch the Business thereof.

Accused Persons may be cited to Two Diets of Compearance, and may be called on at First Diet to plead Guilty or Not Guilty.

4. In Criminal Trials proceeding on Indictment before the High Court of Justiciary it shall be competent for Her Majesty's Advocate, in any Case where he may consider it expedient, to cause the Person accused to be cited to Two Diets of Compearance according to the Form No. 1 in the Schedule (A.) hereto annexed; and it shall not be necessary to cite any Witnesses or Jurors for the Trial of such Person to the first of said Diets: And if at the first of such Diets (which shall not be sooner than Fifteen clear Days from the Service of the Libel) the Person accused shall plead Guilty, the Court may proceed to pass Sentence as heretofore; but in the event of the Person accused pleading Not Guilty, it shall be competent to the Court, on the Motion of Her Majesty's Advocate, or of his Depute, either to remit the Case to be tried before the next ensuing Circuit Court of Justiciary, which shall be competent to try the Accused, and shall be held not sooner than Ten clear Days after said First Diet (in which Case the Citation of the Accused to appear at the Second Diet at the High Court of Justiciary to which he had been cited shall be held to be discharged); or to ordain the Accused to appear in the said High Court at the Second Diet of Compearance, which Second Diet shall not be sooner than Ten clear Days after the First Diet: And at such Circuit Court, or at such Second Diet of the High Court, the Person accused shall again be called on to plead to the Libel; and if such Person shall, at such Circuit Court, or such Second Diet of the High Court, plead Guilty, the Sentence of the Court may be forthwith pronounced; and if such Person shall plead Not Guilty, the Trial may then be proceeded with, in Terms of Law, unless the Diet shall be adjourned or deserted, according to the existing Law and Practice: Provided always, that it shall not be necessary to serve any new Indictment upon such accused Person; but the Trial before the said Circuit Court, or at such Second Diet of the said High Court, or Adjournment thereof, may proceed upon the same Indictment, on which the Accused was called to plead at said First Diet.

5. Wherever

Pleading Diets at Circuit Towns.

5. Wherever it is considered expedient for the due Administration of Justice, it shall be competent for One of the Lords Commissioners of Justiciary to sit at any Time in the Criminal Court House in any Circuit Town in *Scotland*, and there to receive the Pleas of Persons indicted to the High Court of Justiciary as provided for in the Fourth Section hereof, and to pronounce Sentence upon such Persons as plead Guilty as accords of Law; and such Lord Commissioner of Justiciary so sitting and judging shall have for the Purposes aforesaid all the Powers of the High Court of Justiciary, and shall be deemed to be the High Court of Justiciary in Terms of the said Fourth Section hereof.

When List of Assize to be served on the Panel.

6. It shall not be necessary to lodge in Court, or to serve upon the Person accused a List of Assize or Jurors before the said First Diet; but where the accused Person shall be remitted for Trial to a Circuit Court, a Notice of Compearance before such Circuit Court, in the Form No. 5 in the said Schedule (A.), along with a Copy of the List of Assize or Jurors for such Circuit, shall be served on such accused Person not less than Six clear Days before the Day of Trial; and where the Person accused shall be ordained to appear at the Second Diet of the High Court as before mentioned, a List of the Assize for the Trial of all accused Persons at that Diet shall be served upon him in the Form No. 3 in the said Schedule (A.), not less than Six clear Days before such Diet.

Pleas in Bar and Objections to Relevancy competent only at First Diet.

7. After the Panel has pleaded at said First Diet, it shall not be competent to state any Plea in bar of Trial (except in respect of Circumstances which have occurred since the said First Diet, or unless such Plea or Objection has been reserved by the Judge), or to state any Objection to the Relevancy of the Libel: Provided always, that nothing herein contained shall affect the Right of the Court at any Stage of the Proceedings to inquire as to the Panel's Sanity, according to the present Law and Practice.

Reserving an accused Person's Rights under the Act 1701, c. 6.

8. If at the said First Diet the Panel shall plead Not Guilty, it shall be competent for the High Court to ordain him to be conveyed to such Prison as the said Court shall direct, therein to be detained in the meantime: Provided always, that nothing contained in this Act shall prejudice the Right of any accused Person to apply, according to the present Law and Practice, to be liberated on Bail; nor shall it prejudice his Right to apply for and follow forth Letters of Intimation or Liberation under the Act of the *Scottish* Parliament, passed in the Year One thousand seven hundred and one, Chapter Six, intituled *An Act for preventing wrongous Imprisonment, and against undue Delay in Trials;* both of which Rights shall continue the same after the said accused Party has pleaded

pleaded Not Guilty at said First Diet, as before such Plea was given or recorded.

Form of Proceedings for summoning Parties and Witnesses.

9. When it is necessary to summon Witnesses for the Trial of any Person who has been ordained to appear at a Second Diet of the High Court, or who has been remitted for Trial by the Circuit Court under the Authority of this Act, the Proceedings for summoning such Witnesses shall be, as nearly as may be, the same as those in use for summoning Witnesses to the High Court or Circuit Courts of Justiciary according to the present Law and Practice: Provided always, that the Letters of Diligence for citing Parties and Witnesses for such Trials, and for citing Parties to a First Diet of the High Court, shall be, as nearly as may be, in the Forms contained in Schedule (B.) to this Act annexed.

Jurors in Criminal Cases to be cited by registered Post Letter.

10. The present Mode of citing Jurors for the Trial of Criminal Cases before the High Court or Circuit Court of Justiciary or before any Sheriff in *Scotland* shall be discontinued; and in place thereof the Sheriff Clerk of the County of *Edinburgh* or his Depute, where the Trial is to take place before the High Court of Justiciary, or the Sheriff Clerk of the County in which any Juror is to be cited, or his Depute, where the Citation is for a Trial before a Circuit Court of Justiciary or before a Sheriff, shall fill up and sign a proper Citation addressed to each such Juror, and shall cause the same to be transmitted to him in a registered Post Letter, directed to him at his Place of Residence as stated in the Roll of Jurors; and a Certificate under the Hand of such Sheriff Clerk, or his Depute, of the Citation of any Jurors or Juror in manner herein provided, shall have the like Force and Effect as an Execution of Citation according to the present Law and Practice.

Letters of Diligence may be issued by the Clerk on Requisition by Lord Advocate, Crown Agent, &c.

11. In addition to the Provisions contained in the Second Section of the Act 11 & 12 *Vict.* Cap. 79. it shall be lawful for the Clerk of Justiciary to issue Letters of Diligence at the Instance of Her Majesty's Advocate, for the Citation of accused Persons and of Witnesses, either upon a Requisition containing the necessary Information, signed by Her Majesty's Advocate or any of his Deputes, or by the Crown Agent for the Time being, or the First or Second Clerk in the Office of the Crown Agent in *Edinburgh*.

Previous Conviction for Theft may be libelled and proved as Aggravation of Crime

12. It shall be competent in any Criminal Letters or in any Indictment before the High Court or Circuit Court of Justiciary charging any Person with the Crime of Robbery, to libel, and in the course of the Trial proceeding on such Criminal Letters or Indictment as aforesaid to prove a previous Conviction of the Person

Person accused for the Crime of Theft as an Aggravation of the said Crime of Robbery; and in like Manner it shall be competent to libel and prove a previous Conviction for the Crime of Robbery as an Aggravation of the Crime of Theft. of Robbery, and vice versâ.

13. It shall be competent for the Governor or Keeper of any Prison in *Scotland*, or for any of the Warders therein, to execute any Warrant issued forth of the Court of Justiciary in *Scotland* for transmitting any Prisoner or Prisoners in such Prison to any other Prison in *Scotland*, in order to Trial before the High Court or any Circuit Court of Justiciary competent to try such Prisoner or Prisoners: Provided also, that it shall be competent for the Managers of the General Prison at *Perth* appointed by or under the Authority of the "Prisons (*Scotland*) Administration Act, 1860," and they are hereby required, to make Regulations as to the Mode in which and the Officers by whom such Warrants shall be executed: Provided also, that nothing herein contained shall make it incompetent to execute such Warrants according to the present Law and Practice. Execution of Warrant for transmitting Prisoners.

14. All Interlocutors and Sentences pronounced by the High Court or by any Circuit Court of Justiciary under the Authority of this Act shall be final and conclusive, and not subject to Review by any Court whatsoever, and it shall be incompetent to stay or suspend any Execution or Diligence issuing forth of the Court of Justiciary under the Authority of the same. Interlocutor and Sentences to be final.

15. Except where inconsistent with the Provisions of this Act, all the Proceedings at Criminal Trials conducted under the Authority hereof, or with a view to such Trials, and all Execution to follow thereon, shall be the same, as nearly as may be, as those now in use in the High Court and Circuit Courts of Justiciary in Criminal Prosecutions proceeding on Indictment carried on according to the present Law and Practice. Proceedings under this Act to be as nearly as possible the same as those now in use.

16. It shall be lawful for the said Court of Justiciary and the said Court is hereby required from Time to Time to make all such Rules and Regulations, by Act or Acts of Adjournal, as may be necessary for carrying out the Purposes and accomplishing the Objects of this Act: Provided always, that Copies of all such Acts of Adjournal shall, within Fourteen Days after the making thereof, be laid before both Houses of Parliament, if Parliament shall be then sitting, and if not, within Fourteen Days after the Commencement of the then next Session of Parliament. Court may make Acts of Adjournal.

 17. Nothing

Act not to affect Trials upon Criminal Letters or where First Diet is at Circuit Court.

17. Nothing herein contained shall affect the Proceedings at or with a view to any Criminal Trial before the High Court or any Circuit Court of Justiciary proceeding upon Criminal Letters, or the Proceedings at or with a view to any Criminal Trial before any Circuit Court of Justiciary proceeding upon Indictment, where the Diet of Compearance contained in the Indictment shall be at such Circuit Court, all which Proceedings shall continue in all respects the same as before the passing hereof, except as provided in the First, Second, Third, Tenth, Eleventh, Twelfth, and Thirteenth Sections hereof.

Citation of Persons liberated on Bail.

18. All Bail Bonds whatsoever received in order to the Liberation of accused Persons from Custody shall specify the Domicile at which such Persons may thereafter be cited for Trial before the Court of Justiciary or any other Criminal Court in *Scotland;* and it shall not be necessary to cite any Person liberated under such Bail Bond edictally at the Market Cross of the Head Burgh of the Shire.

Amendment of 31 Vict. c. 24. s. 13.

19. The Thirteenth Section of the Act Thirty-first *Victoria*, Chapter Twenty-four, shall be read and construed as if the Words "in lieu of the Provisions contained in the Fifth Section hereof" were substituted for the Words "in lieu of the Provisions contained in the Sixth Section hereof" therein contained.

Repeal of Acts.

20. All Laws, Statutes, Regulations, and Usages inconsistent or at variance with the Provisions of this Act shall be and the same are hereby repealed: Provided always, that the same shall continue in force in all other respects whatsoever.

Commencement of Act.

21. Excepting in so far as regards the Provisions contained in the Second, Third, and Sixteenth Sections hereof (which shall take effect from and after the passing hereof), this Act shall take effect on and after the Fifteenth Day of *October* One thousand eight hundred and sixty-eight: Provided always, that nothing herein contained shall affect the Proceedings in any Criminal Case begun before the Commencement hereof, and such Proceedings shall be continued and completed according to the existing Law and Practice.

SCHE-

SCHEDULE (A.)

No. 1.

Form of Citation to the High Court of Justiciary.

A.B., take notice that you will have to compear before the High Court of Justiciary within the Criminal Court House at Edinburgh [*or*, at the Criminal Court House at (*here specify the Circuit Town*)], to answer to the Criminal Libel to which this Notice is attached, on the Day of at o'Clock, for the First Diet; and also, if required, upon the Day of at o'Clock at the Criminal Court House at Edinburgh for the Second Diet.

This Notice served by me on the Day of in the Year .

C.D., Macer (*or* Messenger-at-Arms *or* Sheriff Officer).

E.F., Witness.

No. 2.

Execution of Citation.

A Copy of a Criminal Libel containing a Charge of Theft (*or whatever the Crime may be, as described in the Diligence,*) consisting of Pages, and having annexed to it a List of Witnesses was on the Day of served by me upon *A.B.* by delivering the same to him personally (*or as the Case may be*), on which Copy was marked a Notice of Compearance on the Day of at o'Clock for the First Diet, and also, if required, upon the Day of at o'Clock for the Second Diet.

C.D., Macer (*or* Messenger-at-Arms *or* Sheriff Officer).

No. 3.

Form of Service of the List of Assize on an accused Person ordained to appear at a Second Diet.

A.B., take notice that the foregoing is a Copy of the List of Assize for the Trial of all accused Persons ordained to appear before the High Court of Justiciary on the Day of being the Second Diet to which you have been cited, to answer to the

the Libel raised at the Instance of Her Majesty's Advocate for Her Majesty's Interest against you.

This Notice served by me on the Day of in the Year .

C.D., Macer (*or* Messenger-at-Arms *or* Sheriff Officer).

E.F., Witness.

No. 4.

Execution of Service of List of Assize.

A Copy of the List of Assize for the Trial of all accused Persons before the High Court of Justiciary on the Day of being the Second Diet to which *A.B.* had been cited to appear before the said High Court to answer to the Libel raised at the Instance of Her Majesty's Advocate for Her Majesty's Interest against him, was on the Day of served by me upon the said *A.B.*, by delivering the same to him personally (*or as the Case may be*).

C.D., Macer (*or* Messenger-at-Arms *or* Sheriff Officer).

No. 5.

Form of Notice where the Accused has been remitted to the Circuit.

A.B., take notice that you will have to compear before the Circuit Court of Justiciary to be holden within the Criminal Court House of on the Day of at o'Clock, to answer to the Criminal Libel raised against you at the Instance of Her Majesty's Advocate for Her Majesty's Interest before the High Court of Justiciary, which was on the Day of remitted for Trial to the said Circuit Court, and that the foregoing is a Copy of the List of Assize for the said Circuit Court of Justiciary.

This Notice served by me on the Day of in the Year .

C.D., Macer (*or* Messenger-at-Arms *or* Sheriff Officer).

E.F., Witness.

No. 6.

Execution of Citation and Service.

A Copy of the List of Assize for the ensuing Circuit Court of Justiciary to be holden at was on the Day of served by me on *A.B.*, on which Copy was marked

marked a Notice of Compearance before the said Circuit Court within the Criminal Court House of upon the Day of at o'Clock noon, to answer to the Criminal Libel raised against him at the Instance of Her Majesty's Advocate for Her Majesty's Interest before the High Court of Justiciary, which was on the Day of remitted for Trial to the said Circuit Court.

C.D., Macer (*or* Messenger-at-Arms, *or* Sheriff Officer.)

SCHEDULE (B.)

No. 1.

Letters of Diligence for citing accused Parties to a First and Second Diet, and Witnesses to a Second Diet of the High Court.

Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, to Macers of Our Court of Justiciary, Messengers-at-Arms, Sheriff or Steward's Officers of the County or Stewartry within which these Our Letters shall be executed, Our Sheriffs in that Part, conjunctly and severally, specially constituted, greeting: Whereas it is humbly meant and shown to Us by Our Right Trusty Our Advocate for Our Interest, that he has raised an Indictment at his Instance against in manner mentioned in the said Indictment, the Diets whereof stand fixed before Our Lords Justice General, Justice Clerk, and Commissioners of Justiciary, Place and Dates after mentioned, and that it is necessary for the Complainer to have these Our Letters of Diligence at his Instance in manner underwritten as is alleged: Our Will is herefore, and We charge you, that on Sight hereof ye pass, and in Our Name and Authority lawfully summon, warn, and charge, the above-named Accused to compear before Our said Lords Justice General, Justice Clerk, and Commissioners of Justiciary in a Court of Justiciary to be holden within the Criminal Court House of Edinburgh [*or*, at the Criminal Court House at (*here specify the Circuit Town*),] upon the Day of in the Hour of Cause (Half-past Nine o'Clock Forenoon) for the First Diet, there to plead Guilty or Not Guilty and to underlie the Law, conform to the Conclusion of the said Indictment and the Laws of this Realm; and also, if required, upon the Day of at Half-past Nine o'Clock Forenoon for the Second Diet, again to plead Guilty or Not Guilty,

and to underlie the Law as aforesaid; as also, if required for the Second Diet, that ye summon such Witnesses as best know the Verity of the Premises, whose Names shall be given to you in a List subscribed by the said Complainer, personally or at their respective Dwelling Places, all to compear before Our said Lords, Time and Place of said Second Diet; the said Witnesses to bear leal and soothfast witnessing in so far as they know or shall be asked at them anent the said Accused's Guilt in the Premises, each Witness under the Pain of One hundred Merks Scots; according to Justice, as ye will answer to Us thereupon. The which to do, We commit to you full Power by these Our Letters, delivering them by you duly executed and indorsed again to the Bearer. Given at Edinburgh, the Day of in the Year of Our Reign, 186 .

No. 2.

Letters of Diligence for citing accused Parties, and Witnesses, to a Circuit Court to which such Parties have been remitted for Trial.

Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, to

Macers of Our Court of Justiciary, Messengers-at-Arms, Sheriff or Steward's Officers of the County or Stewartry within which these Our Letters shall be executed, Our Sheriffs in that Part, conjunctly and severally, specially constituted: Whereas it is humbly meant and shown to us by Our Right Trusty

Our Advocate for Our Interest, that he raised an Indictment at his Instance before the High Court of Justiciary against

accusing him of the Crime of in manner mentioned in the said Indictment, the Diet whereof stood fixed before the said High Court to the Day of , on which Day, the Libel having been found relevant, the Panel pleaded Not Guilty, and the Court remitted the Case to be tried before the next Circuit Court of Justiciary to be holden at ; in consequence whereof it is necessary for the Complainer to have these Our Letters of Diligence at his Instance in manner underwritten as is alleged: Our Will is herefore, and We charge you, that on Sight hereof ye pass, and in Our Name and Authority serve a Copy of the List of Assize for the said Circuit Court of Justiciary on the above-named

Accused,

Court of Justiciary (Scotland).

Accused, and lawfully summon, warn, and charge him to compear before Our said Lords Justice General, Justice Clerk, and Commissioners of Justiciary in a Circuit Court of Justiciary to be holden by them, or by any One or more of their Number, within the Criminal Courthouse of upon the Day of , in the Hour of Cause ( ), there to underlie the Law, conform to the Conclusion of the said Indictment and Laws of this Realm; as also that ye summon such Witnesses as best know the Verity of the Premises, whose Names shall be given to you in a List subscribed by the said Complainer personally or at their respective Dwelling Places, all to compear before Our said Lords, Day, Place, and Hour above mentioned, to bear leal and soothfast witnessing in so far as they know or shall be asked at them anent the said Accused's Guilt in the Premises, each Witness under the Pain of One hundred Merks Scots. According to Justice, as ye will answer to Us thereupon. The which to do, We commit to you full Power by these Our Letters, delivering them by you duly executed and indorsed again to the Bearer. Given at Edinburgh the Day of in the Year of Our Reign, 18 .

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XCVI.

An Act to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in *Scotland*.

[31st *July* 1868.]

WHEREAS it is expedient to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

1. Where not inconsistent with the Context, the following Expressions shall in this Act have the Meanings herein-after assigned to them:

The Expression "Church" shall include all necessary Fencing of the Site whereon the Church is built, in so far as the Heritors are now by Law bound to provide the same:

The Expression "Manse" shall include all necessary and usual Offices, Garden, and Garden Walls which the Heritors are now by Law bound to provide:

The Expression "Parish" shall include united Parishes:

The Expression "Glebe" shall include Grass Glebe or Ministers Grass:

The

The Expression "Lands and Heritages" shall have the Meaning assigned to it in the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland:

The Expression "the Lord Ordinary" shall mean the Lord Ordinary in Teind Causes in the Court of Session:

The Expression "Sheriff" shall include Sheriff Substitute:

The Expression "Heritor" shall mean any Proprietor of Lands and Heritages at present liable in the Assessments which may be imposed according to the real or valued Rents thereof, as the Case may be, for the Purposes set forth in the Third Section hereof:

The Expression "valued Rent" shall in the County and Lordship of *Zetland* mean and include "Number of Merks Land."

Short Title.

2. This Act may be cited as the "Ecclesiastical Buildings and Glebes (*Scotland*) Act."

Heritors dissatisfied with Determinations of Presbyteries in regard to Churches, Manses, Glebes, &c. may remove Proceedings by Appeal to Sheriff.

3. From and after the passing of this Act, if, in the course of any Proceedings before any Presbytery of the Church of *Scotland* relating to the building, rebuilding, repairing, adding to, or other Alteration of Churches or Manses, or to the designing or excambing of Sites therefor, or to the designing or excambing of Glebes or Additions to Glebes, or to the designing or excambing of Sites for or Additions to Churchyards, and the suitable Maintenance thereof (including the building or repairing of Churchyard Walls), any Heritor or the Minister of the Parish shall be dissatisfied with any Order, Finding, Judgment, Interlocutor, or Decree pronounced by such Presbytery, it shall be competent for such Heritor or Minister, within Twenty Days of the Date of such Order, Finding, Judgment, Interlocutor, or Decree, to stay such Proceedings by appealing the whole Cause as herein-after provided; and such Appeal, on being duly intimated to the Clerk of the said Presbytery, shall have the Effect of staying the Presbytery from taking any further Steps in connection with said Proceedings: Provided always, that if no such Appeal is taken and duly intimated within the Period foresaid, every such Order, Finding, Judgment, Interlocutor, or Decree not appealed from as aforesaid shall be final and not subject to Review: Provided also, that if the Heritor or Minister taking any Appeal as aforesaid shall unduly delay to follow forth the same, it shall be competent for any other Heritor, or for the Minister of the Parish, or for the Clerk of the Presbytery of the Bounds by the Authority of the said Presbytery, or for the Clerk of the Heritors by the Authority of the Heritors, to sist himself as a Party to said Appeal, and to follow forth the same as the original Appellant could have done.

4. An

Appeal, how to be taken.

4. An Appeal under this Act shall be taken by the Appellant or his Agent presenting a summary Petition to the Sheriff of the County in which the Parish concerned is situated, praying him to stay the Proceedings before the Presbytery, and to dispose of the same himself: Provided, that where the Parish is situated within more than One County the Petition may be presented to the Sheriff of either County; and the Sheriff to whom the first Application is made shall have the same Power, Authority, and Jurisdiction as if the whole of the Parish were situated within his County.

Intimation of Appeals.

5. All Appeals under this Act shall, within Ten Days of their Presentation, be intimated by Circular, transmitted by the Appellant or his Agent through the Post Office, addressed to each Heritor or his known Factor or Agent, to the Clerk of the Heritors, if there be such Clerk, to the Minister of the Parish (if the Benefice is full at the Time), and to the Clerk of the Presbytery of the Bounds: Provided always, that where the Number of Heritors of the Parish exceeds Forty, it shall not be necessary to address a Circular to each Heritor or his Factor or Agent, but it shall be sufficient if a Copy of the Petition of Appeal is affixed to the most patent Door of the Church for Two successive *Sundays* next following the Presentation of the Petition, and if Notice of the Presentation of the Petition is inserted in a Newspaper circulating in the County during each of Two successive Weeks.

No written Pleadings unless specially ordered.

6. Upon any Petition of Appeal under this Act being considered by the Sheriff he shall satisfy himself that the Intimation before mentioned has been made, and, if not duly made, he shall order such Intimation as he shall consider necessary, and thereafter he shall inquire into the Circumstances, and hear the Parties, by themselves or their Agents, without any written Pleadings, unless the same shall be specially ordered by him; but he shall take a Note of the Proceedings and of any Evidence which may be led before him, and shall dispose of the Petition as shall be just.

Proceedings for rebuilding of Church or Manse.

7. In any Proceedings for the rebuilding of a Church or Manse the Sheriff shall, unless the Matter has been decided by the Presbytery by a Judgment or Finding final under the Third Section hereof, *primo loco*, consider whether, in accordance with the Law as at present existing, a new Edifice should be erected, or whether the existing Buildings should be repaired, and for that Purpose he may take such Evidence and make such Remits to Architects or other professional Persons as he shall think right, and he shall pronounce a Finding accordingly: Provided always, that, if the Sheriff see Cause, he may dismiss the Petition.

8. In

Proceedings for rebuilding or repairing of Church or Manse.

8. In any Proceedings for the building or repairing of a Church or Manse the Sheriff shall inquire, with such Assistance of Architects or other professional Persons as he shall think proper, into the Truth of the Allegations contained in the Petition; and if he shall be satisfied that, in accordance with the Law as at present existing, a Church or Manse should be built, or that Repairs are necessary, he shall pronounce a Finding accordingly: Provided always, that, if he see Cause, the Sheriff may dismiss the Petition.

Where Parties differ or delay as to erecting or repairing, Sheriff to cause Buildings or Repairs to be executed.

9. Where the Sheriff shall find that, in accordance with the Law as at present existing, a Church or Manse must be built, rebuilt, or repaired, but the Heritors shall delay or refuse to give effect to it, he shall remit to an Architect or other professional Person to prepare Plans and Specifications for such building, rebuilding, or Repairs, and after hearing any Objections thereto he shall approve of or modify the same, and ordain the same to be executed, and, if need be, he shall remit to an Architect or other professional Person to receive Tenders for the Execution of said Plans and Specifications, to accept of such Tenders as shall seem best, and to superintend their Execution; and the Sheriff shall find the Heritors who are now liable in the Expense of such building, rebuilding, or Repairs, and shall assess and allocate the same, together with a sufficient Sum to cover the Expenses of Collection upon them, according to their respective Real Rents, as these shall appear on the Valuation Roll or Rolls in force at the Date of such Assessment and Allocation, or according to their valued Rents, as the Case may be, and shall grant Decree for Payment thereof in such Instalments and under such Conditions as he shall direct.

Proceedings for building or repairing Churchyard Walls.

10. In any Proceedings for building or repairing Churchyard Walls the Sheriff shall inquire as to the Truth of the Petitioner's Allegations, and if he shall find that the Walls should be built or repaired, but the Heritors shall refuse or delay to give effect to such Finding, he shall remit to some Person to prepare the necessary Specifications (on which, if required, he shall hear Parties), and he shall approve of or modify the same, and, if need be, remit to some Person to take and accept Tenders, and superintend the Execution thereof, and he shall assess, allocate, and decern for the Expenses thereof, as in the Case of building, rebuilding, or repairing a Church or Manse.

Proceedings for designing or excambing Glebes, &c.

11. In any Proceedings for designing a Glebe or Churchyard, or the Site of a Church or Manse, or Additions to any of the same, or for excambing a Glebe, Churchyard, Site of a Church or Manse, or any Portions thereof, the Sheriff shall inquire into the

the Truth of the Petitioner's Allegations, and for that Purpose may take such Evidence, and make such Remits to Land Valuators, Surveyors, or other Persons of Skill, as shall seem necessary, and shall dispose of the Petition in accordance with the Law as at present existing, and shall assess and allocate the Expense of acquiring Land (including any Buildings thereon) for such Glebe or Churchyard, or for the Site of such Church or Manse, or for Additions to any of the same, and decern therefor, as in the Case of building, rebuilding, or repairing a Church or Manse: Provided always, that the Sheriff's Decree of Designation or Excambion shall have the same Force and Effect as a Decree of Designation or Excambion pronounced by a Presbytery before the passing of this Act, except as herein-after provided: Provided also, that it shall not be competent for the Sheriff to pronounce any Decree of Excambion, unless it shall appear, under the Hand of the Clerk of the Presbytery of the Bounds, that the Presbytery have given their Consent to such Excambion.

Mode of declaring a "Free Manse."

12. After the Completion of the Works ordered in the Course of any Proceedings for the building, rebuilding, or repairing of any Manse, it shall be competent for any Heritor of the Parish to move the Sheriff to declare it a "Free Manse;" and if the Sheriff shall be satisfied that the Manse is in a State of thorough Repair, he shall find and declare accordingly, and his Decree shall have the same Force and Effect as a Decree in similar Terms pronounced by a Presbytery before the passing of this Act would have had: Provided always, that such Decree shall have Effect only till the Expiration of Fifteen Years from its Date, or until the Appointment of a new Minister to the Parish, whichever Event shall first happen.

Sheriff, if required, personally to inspect Premises or Locality.

13. In any Proceedings for the building, rebuilding, or repairing of any Church or Manse, or for the Designation of any Glebe, Churchyard, Site of any Church or Manse, or of any Additions thereto, or for the Excambion of any Glebe, Churchyard, Site of any Church or Manse, or of any Portions thereof, it shall be competent for the Parties, or any of them, to require the Sheriff to make a personal Inspection of the Premises or Locality, as the Case may be; and the Sheriff shall comply with such Requisition.

Decrees, &c. of Sheriff to be final.

14. All Orders, Findings, Judgments, Interlocutors, or Decrees pronounced by any Sheriff under the Authority of this Act shall be final and conclusive, and not subject to Review by any Court whatsoever, unless an Appeal shall be taken to the Lord Ordinary against the same in manner herein-after mentioned.

15. Th

Sheriff or Lord Ordinary may dispose of Questions of Expenses.

15. The Lord Ordinary or the Sheriff, as the Case may be, shall be entitled to dispose of all Questions of Expenses, and to grant Decree therefor.

Form of Note of Appeal.

16. An Appeal to the Lord Ordinary under this Act may, when otherwise competent, be taken by a Note of Appeal written at the End or on the Margin of the Order, Finding, Judgment, Interlocutor, or Decree appealed from, or by a separate Note of Appeal lodged with the Sheriff Clerk; and such Note of Appeal may be in the following or similar Terms:

"The Petitioner [*or* Respondent] appeals to the Lord Ordinary "in Teinds Causes:"

And the said Note shall be signed by the Appellant or his Agent, and shall bear the Date on which it is signed.

Not competent to appeal after Twenty Days from Date of Judgment, &c.

17. It shall not be competent to take or sign any Note of Appeal after the Expiration of Twenty Days from the Date of the Order, Finding, Judgment, Interlocutor, or Decree complained of in any Proceedings before the Sheriff under this Act, and during such Period of Twenty Days Extract shall not be competent; but on the Expiration of the foresaid Period, if no Appeal shall have been taken, the Clerk of Court may give out the Extract.

Effect of Appeals under this Act.

18. Such Appeal shall be effectual to submit to the Review of the Lord Ordinary the whole Orders, Findings, Interlocutors, Judgments, or Decrees pronounced by the Sheriff in the Cause in so far as not final as herein-before provided, not only at the Instance of the Appellant, but also at the Instance of every other Party appearing in the Appeal, to the Effect of enabling the Lord Ordinary to do complete Justice without the Necessity of any Counter Appeal; and an Appellant shall not be at liberty to withdraw or abandon an Appeal without Leave of the Lord Ordinary; and an Appeal may be insisted in by any Party in the Cause other than the Appellant, in the same Manner and to the like Effect as if it had been taken by himself.

Notice of Appeal.

19. The Sheriff Clerk shall, within Two Days after the Date of any Appeal being taken, send written Notice of such Appeal to the Respondent or his Agent: Provided that the Failure to give such Notice shall not invalidate the Appeal; but the Lord Ordinary may give such Remedy for any Disadvantage or Inconvenience thereby occasioned as may in the Circumstances be thought proper.

Form of bringing Appeals to Lord Ordinary.

20. Within Two Days after the Appeal shall have been taken the Sheriff Clerk shall transmit the Process to the Depute Clerk of Session attached to the Bar of the Lord Ordinary, who shall subjoin to the Appeal a Note of the Day on which it is received; and it shall be

be lawful for either the Appellant or the Respondent at any Time after the Expiry of Eight Days from the Date of such Note to enrol the Appeal; and when the Appeal is called in the Roll, it shall be competent for the Lord Ordinary to order the Note of Appeal and any other Papers or Productions to be printed, or the Lord Ordinary may dispense with the printing of the same; and in case the Papers ordered to be printed shall not be printed by the Appellant, or in case he shall not move in the Appeal, it shall be lawful for the Lord Ordinary, on a Motion by any other Party in the Cause, to grant an Order authorizing the Party moving to print the Papers aforesaid, and to insist in the Appeal as if it had been taken by himself: Provided always, that when any Appeal is taken to the Lord Ordinary, he shall have the whole Powers which are hereinbefore conferred on the Sheriff: Provided also, that all Orders, Findings, Interlocutors, Judgments, or Decrees pronounced by the Lord Ordinary shall be final and not subject to Review.

Certain Provisions of 8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated with this Act.

21. The Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," and the "Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the Purchase and taking of Lands by Agreement, or otherwise than by Agreement, shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking" wherever used in the said Acts shall mean the Heritors of any Parish under this Act: Provided always, that the Provisions in the said Acts "with respect to the Purchase "and taking of Lands otherwise than by Agreement" shall have effect only in respect of such Lands as the Sheriff of the County shall have designated as above provided for: Provided farther, that the Provisions in the said Acts with respect to Lands acquired "by "the Promoters of the Undertaking under the Provisions of this "or the Special Act, or any Act incorporated therewith, but which "shall not be required for the Purposes thereof," shall not be restricted in Operation to any fixed Period after the Purchase of such Lands.

Mode of calling Meetings of Heritors.

22. Notwithstanding any Law, Statute, or Usage to the contrary, Meetings of Heritors for any Purpose whatsoever may be called in the following Manner; that is to say, on the Requisition of the Clerk of the Heritors, or of any Heritor or Heritors possessed of Lands yielding One Fourth Part of the total Real Rental of the Parish as the same shall appear on the Valuation Roll or Rolls then in force, or valued at One Fourth Part of the total valued Rent of such Parish, as the Case may be, or, when he shall himself think such Meeting expedient or necessary, the Minister of the Parish shall cause an Intimation of the Meeting to be given immediately after

after Divine Service in the Forenoon, and Circular Letters containing a similar Intimation to be sent to all Heritors of the Parish at least Twenty-one free Days before such Meeting shall take place; provided that where in any Parish the Number of Heritors exceeds Forty, it shall not be necessary to send Circular Letters as before provided, but in lieu thereof Intimation of the Meeting shall be given by the Minister by Advertisement in a Newspaper circulating in the County once during each of Two successive Weeks between the Intimation from the Pulpit before mentioned and the Day for which the Meeting has been called.

All Parochial Assessments to be imposed according to the real or valued Rent.

23. All Assessments for the Purpose of defraying Expenses connected with the building, rebuilding, or repairing of Churches or Manses, or the designing or excambing of Sites therefor, or the designing or excambing of Glebes or Additions to Glebes, or the designing or excambing of Sites for Additions to Churchyards, and the suitable Maintenance thereof (including the building, rebuilding, or repairing of Churchyard Walls), in any Parish, shall be imposed in manner after mentioned upon all Lands and Heritages within such Parish according to the yearly Value thereof as the same shall appear on the Valuation Roll or Rolls in force in such Parish at the Time when such Assessments are made, or according to the valued Rent of such Lands and Heritages, as the Case may be; and such Assessments shall be imposed and recovered according to the present Law and Practice: Provided always, that when the Area of any Parish Church heretofore erected has been allocated among the Heritors according to their respective valued Rents, all Assessments for the Repair thereof shall be imposed on such Heritors according to such valued Rent.

Act not to increase existing Burdens.

24. Nothing herein contained shall have the Effect of extending or increasing the Burdens which now by Law rest upon the Minister or Heritors of any Parish in respect of any of the Matters above set forth. Nothing contained in this Act shall exempt from or render liable to Assessment any Person or Property not previously exempt from or liable to Assessment.

Repeal of Statutes, &c. so far as inconsistent with this Act.

25. All Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they are at variance or inconsistent with the Provisions of this Act: Provided always, that the same shall continue in force in all other respects.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. XCVII.

An Act to make Provision for the Audit of Accounts of District Lunatic Asylums in *Ireland*.

[31st *July* 1868.]

WHEREAS under the Provisions of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences, in* Ireland, and of the several Acts amending the same, District Lunatic Asylums have been established in *Ireland*: 1 & 2 G. 4. c. 33.

And whereas by the said Act of the First and Second *George* the Fourth Provision was made for auditing the Accounts of all the Funds intrusted to the Governors or Directors of every such Lunatic Asylum respectively, for the Benefit of every such Asylum:

And whereas it is expedient to repeal the same, and to make other Provision for the Audit of the said Accounts:

And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, Provision was made 1 & 2 Vict. c. 56.

made for the Appointment by the Poor Law Commissioners for the Time being in *Ireland* of Auditors to audit the Accounts of all Persons liable to account under that Act in manner therein mentioned:

And whereas it is expedient that the Auditors for the Time being appointed by the said Poor Law Commissioners in *Ireland* under the Provisions of the said Act should be the Auditors for the Time being to audit the Accounts of all the Funds intrusted to the Governors or Directors of every District Lunatic Asylum in *Ireland*, for the Benefit of every such Asylum:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Lunatic Asylums (*Ireland*) Accounts Audit Act, 1868."

Commencement of Act.

2. This Act shall commence and take effect on the Thirty-first Day of *December* One thousand eight hundred and sixty-eight.

Sects. 14 and 15 of 1 & 2 G. 4. c. 33. repealed.

3. From and after the Commencement of this Act, Sections Fourteen and Fifteen of the Act First and Second *George* the Fourth, Chapter Thirty-three, shall be and the same are hereby repealed.

Interpretation of Terms.

4. In this Act—

The Word "Asylum" means any District Lunatic Asylum established in *Ireland* under the Provisions of the Act First and Second *George* the Fourth, Chapter Thirty-three, and of the several Acts amending the same:

The Word "Inspectors" means the Inspectors of Lunatics in *Ireland* for the Time being.

A yearly Abstract of the Account of the Funds and Expenditure of every Asylum shall be laid before Inspectors.

5. Before the Twentieth Day of *March* in each Year, after the Commencement of this Act, the Governors or Directors of every Asylum in *Ireland*, or the Resident Medical Superintendent or other proper Officer of such Asylum respectively, shall make out and deliver or transmit to the Inspectors a Return containing a Statement and an Abstract of the Accounts of all the Funds intrusted to the Governors or Directors of every such Asylum respectively for the Benefit of every such Asylum, and of the Application of such Funds, for the Year ending on the Thirty-first Day of *December* preceding such Twentieth Day of *March*, with the Balances of the Debts and Credits, and of the whole Funds of every

every such Asylum respectively, on such Thirty-first Day of *December;* and also the Number of Patients or Persons received into and sent out of every such Asylum respectively during such preceding Year, and the Number of Patients remaining therein at the Time of such Return, and the Number and Names of the Physicians, Surgeons, Officers, Servants, and other Persons employed in or about the Management of every such Asylum respectively, and all such other Matters and Things relating to the Management, Revenue, and Expenditure of every such Asylum respectively, as shall from Time to Time be required by the said Inspectors for the full Disclosure of the State of every such Asylum respectively; and the said Returns, Statements, and Abstracts of Accounts shall be signed by the Resident Medical Superintendent or Chief Officer for the Time being of every such Asylum respectively, and shall be duly authenticated by the Signature of Three Governors or Directors of every such Asylum respectively.

Audit of Accounts.

6. From and after the Commencement of this Act the Accounts of the Receipts and Expenditure of each and every Asylum in *Ireland* shall be audited and examined once in every Year, as soon as can be after the Twenty-fifth Day of *March*, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which such Asylum is situate, unless such Auditor be a Contractor for any Articles or Things supplied to, or be a Member of the Board of Governors or Directors of, such Asylum, in either or any of which Cases such Accounts shall be audited by such Auditor of Accounts relating to the Relief of the Poor for any other Union as may from Time to Time be appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for that Purpose; and Abstracts of the said Accounts shall, on or before the Twenty-fifth Day of *March* in every Year, be transmitted by the Inspectors to the Auditor by whom the same are to be audited.

Duties of Auditor.

7. Every Auditor acting in pursuance of this Act shall examine into the Matter of every Account which is to be audited by him, and shall disallow and strike out of every such Account all Payments, Charges, and Allowances made by any Person and charged upon the Funds of any Asylum contrary to Law, or which he shall deem to be unfounded, and shall reduce such as he shall deem to be exorbitant, and shall specify at the Foot of such Account every Payment, Charge, or Allowance, and its Amount, which he shall disallow, reduce, or insert, and the Cause for which the same is disallowed, reduced, or inserted; and all Balances found by any such Auditor to be due from any Person having the Control of the said Funds,

Funds, or accountable for such Balances, may be recovered in the Manner by this Act provided.

Recovery of Sums disallowed.

8. In every Case of Disallowance or Reduction by the Auditor in the Accounts of any Asylum the Auditor shall make and sign a Certificate of such Disallowance or Reduction on the Face of the Book or Account wherein the Charges so disallowed or reduced shall appear, and shall debit the Amount disallowed to the Governor or Governors by whose Signature or Initials the Expenditure of the Sum so disallowed shall have been authorized, or if not authorized by the Governors, then to the Officer or Officers by whom such Expenditure shall have been made, and the Sum so disallowed shall be payable by the Person or Persons debited therewith to the Credit of the Governors of the Asylum in the Bank at which the Accounts of such Asylum are kept, and the said Auditor may summon the Person or Persons so debited to appear before any Two Justices of the County in which the Asylum shall be situate, and the said Justices shall, on the Production of the said Certificate of Disallowance or Reduction, inquire whether the Sum disallowed has been so paid to the Credit of the Governors, and on Failure of due Proof thereof by or on the Part of the Person or Persons so debited as aforesaid, and after satisfying themselves that the Sum so debited is properly due, shall adjudge the said Person or Persons to pay the said Sum, together with the Costs of the Application, to the said Auditor; and on Failure of such Payment forthwith, shall cause the said Sum and Costs to be levied by Warrant of Distress upon the Goods and Chattels of the said Person or Persons, wheresoever the same may be found, and to be paid to the said Auditor, who shall thereupon pay over the Sum so disallowed and recovered to the aforesaid Account.

Power of Auditor to summon Witnesses, &c.

9. For the Purpose of any Audit of Accounts under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and if thereunto required by such Auditor to verify on Oath (which Oath every such Auditor is hereby authorized to administer) the Truth of all such Accounts and Statements from Time to Time respectively, or subscribe a Declaration as to the Correctness of the same.

Penalties for giving false Evidence

10. If any Person, upon any Examination under the Authority of this Act, shall wilfully give false Evidence, or wilfully make or subscribe

subscribe a false Declaration, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury; and if any Person shall refuse or wilfully neglect to attend in obedience to any Summons of any Auditor, or to give Evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or Copies of the same, which may be required to be produced for the Purposes of this Act, to any Auditor authorized by this Act to require the Production thereof, every Person so offending shall be deemed guilty of a Misdemeanor. or refusing to give Evidence.

11. Every Auditor shall in respect of each Audit under this Act be paid, out of the Funds of the Asylum in respect of which such Audit shall have been held, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Governors or Directors of such Asylum may from Time to Time appoint, together with his Expenses of travelling to and from the Place of Audit. Remuneration of Auditor.

12. Before each Audit of the Accounts of any Asylum under this Act,— Notice of Audit, &c.

1. The Auditors shall give Twelve Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers circulated in the District in which such Asylum is situate; and
2. The Inspectors shall cause a Copy of the Accounts which are to be audited, together with all Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts, to be deposited in the Office of the Clerk and Storekeeper, or other proper Officer, of every such Asylum, and the same shall be open, during Office Hours thereat, to the Inspection of all Persons interested for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same without Fee or Reward, and the Production of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatever.

13. Within Fourteen Days after the Completion of the Audit of the Accounts of any Asylum the Auditor shall report upon the Accounts audited and examined, and shall deliver or transmit such Report, with an Abstract of the Accounts, to the Inspectors, and a Copy of the same to the Secretary of the Grand Jury of each County or Riding liable to contribute to the Expense of maintaining such Asylum to be laid before the Grand Jury, and also a Copy of Publication of Accounts.

the same to the Governors or Directors of such Asylum, and the said Governors or Directors shall cause the same to be deposited in the Office of the Resident Medical Superintendent, or other proper Officer, of such Asylum, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District in which such Asylum is situate.

Inspectors to make annual Return to Parliament as to Audit.

14. The Inspectors shall, in addition to the Matters now by Law required, state in their annual Reports to be laid before Parliament, the Date of the auditing of the Accounts of every Asylum, and also all Charges and Payments in the Accounts of any Asylum which have been disallowed, reduced, or inserted by the Auditor at the then last Audit, together with the Amount of any Disallowances, Reductions, or Insertions which have been recovered and paid to the Credit of the Governors of any Asylum previous to such Report, and any Steps which have been taken at Law for the Recovery of any Sums disallowed, reduced, or inserted by the Auditors.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

***

Power to Lord Lieutenant to order Salary to be paid to Clerk of Peace or Clerk of Crown in certain Boroughs.

1. It shall be lawful for the Lord Lieutenant and he is hereby authorized and empowered from Time to Time to order and declare by Writing under his Hand (such Writing to be published in the *Dublin Gazette*, and in some Newspaper circulating in the County in which the Borough to which it relates is situate,) the Sum which is henceforth to be paid by any Borough, to which a separate Commission of the Peace has been or shall be granted, by way of Salary to any Clerk of the Peace or Clerk of the Crown for any such Borough to whom such Office has been or shall be granted under the Provisions of the recited Act, and such Salary shall be paid to such Clerk of the Peace or Clerk of the Crown by the Treasurer of such Borough out of the Borough Fund.

Borough Fund charged with Payment of Salaries under this Act.

2. From and after the Publication of any such Order in the *Dublin Gazette* the Borough Fund of the Borough to which it relates shall (subject to any lawful Charges then affecting the same) be charged with the Payment of the Salary thereby ordered to be paid.

Clerk of the Peace, &c. ordered Salary under this Act to discharge Duties in Person.

3. Every Clerk of the Peace or Clerk of the Crown to whom a Salary shall be ordered under this Act shall be bound to discharge his Duty in Person, and not by Deputy, unless in case of Illness or other adequate Cause, to be certified to and allowed by the Lord Lieutenant or other Chief Governor of *Ireland*.

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VICTORIÆ REGINÆ.

***

Acts. Schedules 3 & 4.

thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides.

Repeal of certain Turnpike Acts. Schedules 5 & 6.

4. The Acts specified in the Fifth and Sixth Schedules annexed hereto shall be repealed on and after the Thirtieth Day of *June* One thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides.

Continuance of all other Turnpike Acts.

5. All other Acts now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of *November* One thousand eight hundred and sixty-nine, and to the End of the then next Session of Parliament.

Extension of the Operation of the Act of 12 & 13 Vict. c. 46.

6. Whereas Provision is made by the Act of the Session of the Twelfth and Thirteenth Years of the Reign of Her present Majesty for the Union of Turnpike Trusts in Cases where the General Annual Meetings of the Trustees of Two or more Turnpike Roads have been held at the same Place, or Places distant not more than Ten Miles from each other: And whereas it is expedient to extend the Operation of the said Act: Be it enacted, That the First Section of the said Act shall be construed as if the Word "Twenty" were substituted therein for the Word "Ten."

If Road in repair, Compensation may be given to Officers of expired Trust.

7. Where a Turnpike Road shall have become an ordinary Highway, then, upon a Certificate being given by Two Justices that such Road was at the Time at which it became a Highway in complete and effectual Repair, the Trustees or Commissioners of such Road, at any Meeting held by them in pursuance of the Third Section of "The Annual Turnpike Acts Continuance Act, 1865," may, out of any Balances remaining in their Hands after Payment of all Liabilities, award, if they see fit, to any Person or Persons whose Offices expire with the Trust, and who have held such Offices for not less than Ten Years immediately preceding such Meeting, such Compensation as they may think just, not exceeding in any Case the Amount of Three Years Salary.

Sect. 3. of 30 & 31 Vict. c. 121. to apply to Roads which previously became ordinary Highways.

8. The Third Section of the Act of the Session of the Thirtieth and Thirty-first Years of Her present Majesty, Chapter One hundred and twenty-one, shall apply to all Roads which, having been Turnpike Roads, have become ordinary Highways previous to the passing of the said Act.

Short Title.

9. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1868."

SCHE-

SCHEDULES.

FIRST SCHEDULE.

Acts which are to be repealed on and after the 31st of December 1868.

Date of Act.	Title of Act.
11 G. 4. c. cxiii. - *Limited to expire at End of Session after 1 November 1868.*	An Act for more effectually repairing the Road from the Town of Rickmersworth in the County of Hertford, through the Village of Pinner, to or near the Swan Public House at Sudbury Common in the Turnpike Road leading from Harrow to London.
1 & 2 Vict. c. xlviii. *Limited to expire at End of Session after 4 July 1869.*	An Act for repairing and maintaining the Road from Quebec to Homefield Lane End, all in the Parish of Leeds, in the West Riding of the County of York, with a Bridge or Bridges on the Line of such Road.
17 Vict. c. xlviii. - *Limited to expire at End of Session 2 June 1876.*	An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled "An Act for more effectually repairing and improving the Roads from Kippings Cross to Wilsley Green, and from a Place near Goudhurst Gore to Stilebridge, and from Underden Green to Wanshutts Green, all in the County of Kent," *so far as the same relates to the Kippings Cross to Wilsley Green, or First District of Roads.*

SECOND SCHEDULE.

Acts which are to expire at the Date (1st November 1868) mentioned in 30 & 31 Vict. c. 121.

Date of Act.	Title of Act.
55 G. 3. c. li. -	An Act for amending the Road from Keighley to Bradford, and for making and maintaining a Branch therefrom, all in the West Riding of the County of York.
57 G. 3. c. xxvii. -	An Act for more effectually improving the Road from Richmond in the County of York to Lancaster in the County of Lancaster, and the Road from Richmond to Lucy Cross, and from Gilling to the Turnpike Road on Gatherley Moor, in the County of York, *so far as the same relates to the Richmond and Lancaster Road, Eastern District.*

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
1 G. 4. c. lxix. -	An Act for repairing and improving several Roads leading into and from Devizes in the County of Wilts.
3 G. 4. c. lxxxviii. -	An Act for more effectually repairing and improving the Road from a Place called the Old Gallows, in the Parish of Sonning, otherwise Sunning, in the County of Berks, through Wokingham, New Bracknowl, and Sunninghill, to Virginia Water in the Parish of Egham in the County of Surrey.
7 G. 4. c. cxxxi.	An Act for more effectually repairing the Road from Sudbury in the County of Suffolk to Bury St. Edmunds in the said County.
1 & 2 W. 4. c. lxiii.	An Act for more effectually repairing the Road from Aylesbury in the County of Buckingham to Hockliffe in the County of Bedford.
2 W. 4. c. lxxvi. -	An Act for repairing, maintaining, and improving the Road from Stevenage in the County of Hertford to Biggleswade in the County of Bedford, and a Branch therefrom to Arlsey in the said County of Bedford.
4 W. 4. c. x. - -	An Act for more effectually repairing and maintaining the Road from Crouch Hill in the Parish of Henfield to Ubley's Corner in the Parish of Albourne, and from the King's Head Inn in Albourne, through the Town of Hurstperpoint, to the Cross Roads in the Town of Ditcheling, and also for making and maintaining a Branch of Road from the Town of Hurstperpoint to Poynings Common, all in the County of Sussex.
5 W. 4. c. xxii. - -	An Act for improving certain Roads within the County of Hereford communicating with the City of Hereford, *so far as the same relates to "The Hereford District of Roads."*

THIRD SCHEDULE.

(*Turnpike Trusts out of Debt and continued by the Annual Turnpike Acts Continuance Acts.*)

Acts which are to continue until the 30th of June 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	No. of Act.
Bedford	Bedford and Newport Pagnell	7
	Puddlehill	6
Cambridge	Arrington	15
	Hauxton and Dunsbridge	62
	Newmarket Heath	66
	Paper Mills	8
Chester	Frodsham and Wilderspool	57
	Washway (from Crossford Bridge to Altrincham), *united with Stockport and Warrington Trust. — See No. 27. in Fifth Schedule.*	58
Cumberland	Kingstown and Weslinton Bridge	55
	Longtown	71
Durham	West Auckland	96
Gloucester	Cheltenham and Tewkesbury	17
	Crickley Hill and Campsfield, Gloucestershire District.	30
	Maisemore	95
	Northgate	54
	Over	95
	Stow and Moreton (united)	10, 21, 32, 42, 82
	Tewkesbury	53
Hants	Portsmouth and Sheetbridge	27
	Southampton, South District	36
	Winchester, Upper District. *See also No. 6. in Fourth Schedule.*	13
Hereford	Leominster	11
Hertford	Cheshunt	93
	Wadesmill	23
Kent	Ashford and Maidstone	105
	Dover to Barham Downs	39
	Sevenoaks	100, 104
	Tonbridge	103, 107
	Tonbridge and Maidstone	67

Turnpike Acts Continuance, &c.

County.	Name of Trust.	No. of Act.
Kent—*cont.*	Whitstable	44
	Wrotham Heath	65
	Wrotham and Maidstone	60
Lancaster	Crossford Bridge and Manchester	76, 110
	Manchester and Salter's Brook	49, 97
Leicester	Bridgford Lane and Kettering, South Part of Northern Division.	38
	Melton Mowbray	47
Lincoln	Bourn. *See also No.* 14. *in Fourth Schedule*	40
	Deeping and Morcott	68
	Foston Bridge and Witham Common	73
	Leadenham and Southwell, Eastern District	51
Monmouth	Chepstow	31
Norfolk	Aylsham and Cromer	77
	Lynn, East Gate	78
	Lynn and Wisbech	37
	New Buckenham	91
	Norwich, Swaffham, and Mattishall	101
	Norwich and Watton	89
	Thetford	12
Northampton	Buckingham and Hanwell, Lower Division	85
	Dunchurch	56
	Market Harborough and Welford	34
	Warwick and Northampton	88
Northumberland	Alnmouth and Hexham, Eastern District	28
	Alnwick and Eglingham	52
	Wooler and Adderstone	46
Nottingham	Bawtry and Scrooby	3
	Bingham	26
	Dunham Ferry	4
	Foston Bridge to Little Drayton	25
	Nottingham and Kettering, Northern Division.	38
Oxford	Burford, Chipping Norton, Banbury, &c.	82
	Drayton Lane to Edgehill	33
	Gosford Road	29
Rutland	Nottingham and Kettering, Southern Division.	38
	Oakham	14
Somerset	Radstock	72
Stafford	Birmingham and Wednesbury	81
	Lichfield (United)	87
	Streetway and Wordsley Green, and Wolverhampton and Cannock.	69
	Tamworth	86
	Walsall (United)	75
	Walton-in-Stone to Eccleshall	108
	Wolverhampton, Old District	79

Turnpike Acts Continuance, &c.

County.	Name of Trust.	No. of Act.
Suffolk	Bury St. Edmunds and Newmarket	99
	Claydon, Blakenham, Brockford, &c.	1, 2
	Ipswich to South Town, &c.	63
Surrey	Limpsfield	5
Sussex	Broil Park Gate to Battle	24
	Cowfold and Henfield (Branch)	74
	Horsebridge and Horeham	35
	Lewes and Brighton	94
	Midhurst and Sheetbridge	45
Warwick	Birmingham and Spernal Ash	61
	Birmingham and Watford Gap, Kingsbury Branch.	50
	Dunchurch and Stonebridge	43
	Great Kington and Wellesbourne	92
	Wellesbourn and Stratford	90
Wilts	Beckhampton	19
	Chippenham	18
	Corsham	70
	Fisherton, Wilton, Heytesbury, Willoughby Edge, and Redhone.	9
Worcester	Evesham, Pershore Division	32
	Worcester:	
	Barbourne Roads (7th Dist.)	102, 109
	Bransford Roads (4th „)	
	Broadwas Roads (5th „)	
	Henwick & Martley Rds. (6th „)	
	London & Stonebow Rds. (1st „)	
	Powick Roads (3rd „)	
	Upton Roads (2nd „)	
York	Birstal and Huddersfield	64, 106
	Boroughbridge and Durham (part). *See also No.* 32. *in Fourth Schedule.*	84
	Doncaster to Bawtry	83
	Harrogate and Boroughbridge	20
	Leeds and Wakefield	22
	Malton and Pickering	48
	Tadcaster Bridge to Hob Moor Lane End	98
	Wakefield and Austerlands	80
	Wetherby and Knaresbrough	41
	York and Boroughbridge	16
	York to Kexby Bridge, and Grimston to Stone Dale.	59

Date of Act.	Title of Act.
33 G. 3. c. cxxviii.	1. An Act for more effectually repairing the Roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, at the End of the Bounds of the Parish of Hawleigh, and from Yaxley Bull to Eye, and from Eye to Lanthorn Green, in the County of Suffolk.

Date of Act.	Title of Act.
51 G. 3. c. cviii. -	2. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, and from Yaxley Bull to Eye and Lanthorn Green, in the County of Suffolk.
35 G. 3. c. xi. - -	3. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from Bawtry in the County of York to East Markham Common in the County of Nottingham, and from Little Drayton to Twyford Bridge in the said County of Nottingham.
53 G. 3. c. xii. -	4. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from Dunham Ferry to the South End of Great Markham Common in the County of Nottingham.
53 G. 3. c. xliii. -	5. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Eaton Bridge Turnpike Road at Cockham Hill in the Parish of Westerham in the County of Kent to the Turnpike Road from Croydon to Godstone in the County of Surrey.
54 G. 3. c. cxxi. -	6. An Act for continuing and amending an Act of His present Majesty, for repairing the Road from Dunstable to Hockliffe in the County of Bedford.
54 G. 3. c. cxxiv. -	7. An Act for repairing the Road from Saint Lloyds in the Town of Bedford in the County of Bedford to the Turnpike Road leading from Olney to Newport Pagnell in the County of Buckingham.
55 G. 3. c. xlix. -	8. An Act for more effectually repairing the Road from Jesus Lane in the Town of Cambridge to Newmarket Heath in the County of Cambridge.
55 G. 3. c. lxii. -	9. An Act for enlarging the Term and Powers of Four Acts of His present Majesty, for repairing several Roads leading from Fisherton, Wilton, Heytesbury, and other Places in the County of Wilts, and for diverting the Line of Part of the said Roads.
56 G. 3. c. i. -	10. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from Chapel on the Heath in the County of Oxford to Bourton on the Hill in the County of Gloucester.
56 G. 3. c. xxxi. -	11. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Fortieth Year of His present Majesty, for improving the Roads leading from the Town of Leominster in the County of Hereford.

Date of Act.	Title of Act.
56 G. 3. c. lxviii. -	12. An Act for enlarging the Term and Powers of several Acts for amending the Road from the End of the Town Close in the County of the City of Norwich to the Chalk Pits near Thetford in the County of Norfolk.
57 G. 3. c. xxvi. -	13. An Act for amending the Roads leading from Basingstone near Bagshot, through Farnham in the County of Surrey, and Alton and New Alresford, to Winchester in the County of Southampton; *so far as the same relates to the Upper District of Roads.*
57 G. 3. c. xlvi. -	14. An Act for continuing and amending an Act of His present Majesty, for repairing the Road from Stamford in the County of Lincoln, through Oakham, to the Great North Road in the Parish of Greetham in the County of Rutland.
57 G. 3. c. lxviii. -	15. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Cambridge to the Old North Road, near Arrington Bridge in the County of Cambridge.
58 G. 3. c. ii. -	16. An Act to continue the Terms and alter and enlarge the Powers of Three Acts passed in the Twenty-third Year of the Reign of His late Majesty King George the Second, and in the Eleventh and Thirty-seventh Years of His present Majesty's Reign, for repairing the Road from the City of York to Boroughbridge in the County of York.
58 G. 3. c. v. - -	17. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Roads leading from the City of Gloucester towards Cheltenham and Tewkesbury in the County of Gloucester.
58 G. 3. c. xliii. -	18. An Act for more effectually repairing and improving the Road leading from Studley Bridge, through the Borough of Chippenham, to Pickwick, and from the East End of Chippenham Bridge to Lower Stanton, and from the East End of the said Bridge to join the Road at Draycot Cerne in the County of Wilts.
58 G. 3. c. lxxxii. -	19. An Act to continue the Term and enlarge the Powers of an Act of His present Majesty, for repairing the Road at or near Beckhampton and other Roads in the said Act mentioned in the County of Wilts.
59 G. 3. c. i. -	20. An Act to continue the Term and alter and enlarge the Powers of Three Acts of His late and present

Date of Act.	Title of Act.
	Majesty's Reign, for repairing the Roads therein respectively mentioned and described, in the County of York, so far as the said Acts relate to the Road leading from the South-west Corner of the Inclosures of Harrogate, through Knaresborough to Boroughbridge.
59 G. 3. c. cxxiv. -	21. An Act for enlarging the Term and Powers of an Act, passed the Thirty-fourth Year of the Reign of His present Majesty, for repairing the Roads leading from the Town of Tewkesbury in the County of Gloucester, and other Roads therein mentioned, so far as such Act relates to the Road from Stump Cross, in the Parish of Didbrook to Stow-on-the-Wold in the County of Gloucester.
1 & 2 G. 4. c. v. -	22. An Act for amending and repairing the Road from Leeds to Wakefield in the County of York.
1 & 2 G. 4. c. xvii. -	23. An Act for continuing and amending Four Acts of their late Majesties King George the Second and King George the Third, for repairing the Roads leading from Wades Mill in the County of Hertford to Barley and Royston in the said County.
1 & 2 G. 4. c. xxvii.	24. An Act for more effectually making, repairing, and improving the Road from near the Place where the Broil Park Gate formerly stood to the Horsebridge Turnpike Road on the Dicker, and from the Blacksmith's Shop in Horsebridge Street to the Town of Battle in the County of Sussex.
1 & 2 G. 4. c. xxix. -	25. An Act for continuing the Term and amending, altering, and enlarging the Powers of an Act of His late Majesty's Reign for more effectually repairing the Road from Foston Bridge in the County of Lincoln to Little Drayton in the County of Nottingham.
1 & 2 G. 4. c. xxx. -	26. An Act for more effectually repairing and improving the Road from Newark-upon-Trent in the County of Nottingham, to join the Road from Nottingham to Grantham in the County of Lincoln, near the Guide Post on the Foss Road near Bingham in the said County of Nottingham.
1 & 2 G. 4. c. lvi. -	27. An Act to continue the Term and alter and enlarge the Powers of Two Acts, for repairing the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton Turnpike Road near Ropley, in the County of Southampton.
1 & 2 G. 4. c. lxxxiv.	28. An Act for repairing the Road from Alemouth, through Alnwick and Rothbury, to Hexham, and a Branch from the said Road between Alnwick and

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
	Rothbury to Jockey's Dike Bridge, all in the County of Northumberland; *so far as the same relates to the Eastern District.*
1 & 2 G. 4. c. lxxxvi.	29. An Act to continue and amend Two Acts for repairing the Road from the Turnpike Road near the Town of Weston-on-the-Green in the County of Oxford to the Turnpike Road on Kidlington Green in the said County.
1 & 2 G. 4. c. cix. -	30. An Act to continue the Term and alter and enlarge the Powers of Three Acts, so far as relates to the Roads from the Top of Crickley Hill in the County of Gloucester, to and through Northleach, Burford and Witney, to Campsfield, and the Turnpike Road at or near Enslow Bridge in the County of Oxford.
3 G. 4. c. ii. - -	31. An Act for repairing and maintaining certain Roads leading to and from Chepstow and other Places in the Counties of Monmouth and Gloucester, called the District of Chepstow and the New Passage District.
3 G. 4. c. lxix. -	32. An Act for repairing and amending several Roads leading to and from the Borough of Evesham in the County of Worcester, and several other Roads in the Counties of Worcester and Gloucester; *so far as the same relates to the Second District, and to the Pershore Division of the First District.*
3 G. 4. c. xc. - -	33. An Act for more effectually repairing the Road from the Guide Post near the End of Drayton Lane, near Banbury in the County of Oxford, to the House called the Sun Rising, at the Top of Edge Hill in the County of Warwick.
3 G. 4. c. c. - -	34. An Act for amending, widening, and keeping in repair the Roads leading from the Town of Northampton to Chain Bridge, near the Town of Market Harborough, and from the Direction Post in Kingsthorpe to Welford Bridge, all in the County of Northampton.
4 G. 4. c. xii. - -	35. An Act for more effectually making, repairing, and improving the Roads from Union Point near Uckfield to the Sea Houses in Eastbourne, and from Horsebridge to Cross in Hand, all in the County of Sussex.
4 G. 4. c. xv. -	36. An Act for repairing and improving the Roads from the Town of Stockbridge to the City of Winchester, and from the said City of Winchester to the Top of Stephen's Castle Down near the Town of Bishop's Waltham in the County of Southampton, and from the said City of Winchester, through Otterborne, to Bar Gate in the Town and County of

Date of Act.	Title of Act.
	the Town of Southampton, and certain Roads adjoining thereto; *so far as the same relates to the South District of the Southampton Road.*
4 G. 4. c. lv. - -	37. An Act for more effectually amending the Roads from the Little Bridge over the End of the Drain near Wisbeach River, lying between Roper's Fields and the Bell Inn in Wisbeach in the Isle of Ely, to the West End of Long Bridge in South Lynn in the Borough of King's Lynn in the County of Norfolk, and for amending, improving, and keeping in repair certain other Roads therein mentioned, in the said County of Norfolk.
4 G. 4. c. lvi. -	38. An Act for continuing the Term and Powers of an Act of His late Majesty's Reign, for repairing the Road from the North End of Bridgford Lane in the County of Nottingham to the Bowling Green at Kettering in the County of Northampton.
4 G. 4. c. lxxxi. -	39. An Act for amending and keeping in repair the Roads from Dover to Barham Downs, and from Dover to the Town of Folkestone, and from thence through the Parish of Folkestone to Sandgate in the County of Kent; *so far as the same relates to the Dover to Barham Downs Road.*
4 G. 4. c. cxi. - -	40. An Act for more effectually repairing the Road from Wansford Bridge in the County of Northampton to Stamford, and from Stamford to Bourn in the County of Lincoln; *so far as the same relates to the Bourn District.*
5 G. 4. c. viii. - -	41. An Act for amending, improving, and keeping in repair the Roads leading from Wetherby to Knaresborough in the West Riding of the County of York.
5 G. 4. c. ix. - -	42. An Act for amending and maintaining the Roads from the Hand and Post at the Top of Burford Lane in the County of Gloucester to Stow-on-the-Wold, and from thence to Paddlebrook; and from the Cross Hands on Salford Hill in the County of Oxford to the Hand and Post in the Parish of Withington in the County of Gloucester.
5 G. 4. c. xliii. -	43. An Act for repairing the Road from Dunchurch to Stonebridge in the County of Warwick.
5 G. 4. c. lxxxviii. -	44. An Act for more effectually repairing the Roads leading from Saint Dunstan's Cross to North Lane near to the City of Canterbury, and to the Sea Side at Whitstable in the County of Kent, and for widening and improving the Road from North Lane aforesaid, over West Gate Bridge, to the West Gate of the said City, and for making a Foot Bridge on each Side of the said Bridge and Gate into the said City.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
6 G. 4. c. xi. -	45. An Act for making and maintaining a Turnpike Road from Midhurst in the County of Sussex to the London and Portsmouth Turnpike Road between the Fifty-second and Fifty-third Milestones near Sheet Bridge in the County of Southampton.
6 G. 4. c. xxviii. -	46. An Act for more effectually amending, widening, improving, and keeping in repair the Road from Wooler to the Great North Turnpike Road at or near to Adderstone Lane in the County of Northumberland.
6 G. 4. c. lxxxi. -	47. An Act for more effectually repairing, widening, altering, and improving the Road from Melton Mowbray in the County of Leicester to the Guide Post in Saint Margaret's Field, Leicester, and the Road branching from the said Road, at or near a certain Place in the Lordship of Barkby in the said County called the Round Hill, to the Town of Barkby.
6 G. 4. c. clviii. -	48. An Act for amending and maintaining the Road from the North End of Old Malton Gate in the Town and Borough of New Malton to the Town of Pickering in the County of York.
7 G. 4. c. xvi. -	49. An Act for more effectually repairing and improving the Roads from Manchester in the County Palatine of Lancaster to Salter's Brook in the County Palatine of Chester, and for making and maintaining several Extensions or Diversions of Road, and a New Branch of Road to communicate therewith.
7 G. 4. c. xxii. -	50. An Act for repairing the Road from Birmingham to Watford Gap in the Parish of Sutton Coldfield in the County of Warwick, and other Roads communicating therewith; *so far as the same relates to the Kingsbury Branch Road.*
7 G. 4. c. xxiv. -	51. An Act for more effectually repairing the Roads from Littlegate at the Top of Leadenham Hill in the County of Lincoln to Newark-upon-Trent, and from Newark-upon-Trent to Mansfield, and from Southwell to the South End of the Town of Oxton in the County of Nottingham; *so far as the same relates to the Eastern District.*
7 G. 4. c. lxxv. -	52. An Act for more effectually amending, widening, altering, improving, and maintaining the Road from the Town of Alnwick in the County of Northumberland, by Eglingham and Chatton, to the Great North Turnpike Road, near to Haggerston Toll Bar in the County of Durham.
7 G. 4. c. lxxviii. -	53. An Act for making, maintaining, and repairing certain Roads leading into and from the Town of Tewkesbury in the County of Gloucester, towards the Cities of Gloucester and Worcester, and the Towns of Cheltenham, Stow-on-the-Wold, Evesham, and Pershore, and certain other Roads therein mentioned in the Counties of Gloucester and Worcester.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
7 & 8 G. 4. c. xvi. -	54. An Act for more effectually repairing the Roads from the City of Gloucester to the Top of Birdlip Hill, and from the Foot of the said Hill to the Top of Crickley Hill, in the County of Gloucester.
7 & 8 G. 4. c. li. -	55. An Act for amending, improving, and maintaining in repair the Road between the Point at which the Great Roads from the City of Carlisle to the Cities of Edinburgh and Glasgow respectively separate, and Westlinton Bridge in the County of Cumberland.
7 & 8 G. 4. c. liv. -	56. An Act for repairing the Road from Dunchurch to Hillmorton in the County of Warwick, and from thence to Saint James's End in the Parish of Duston in the County of Northampton.
7 & 8 G. 4. c. lxii. -	57. An Act for more effectually repairing and improving the Road from Frodsham to the South End of Wilderspool Causeway, within Appleton, in the County Palatine of Chester; and for making and maintaining a certain Extension or new Branch of Road to communicate therewith.
7 & 8 G. 4. c. xcv. -	58. An Act for more effectually repairing and otherwise improving the Road from Crossford Bridge in the County Palatine of Lancaster to Altrincham in the County Palatine of Chester.
7 & 8 G. 4. c. xcix. -	59. An Act for repairing the Road from the City of York to Kexby Bridge, and from Grimston to the Upper End of Stone Dale, in the County of York.
9 G. 4. c. xviii. -	60. An Act for more effectually repairing the Road from Footscray, by Wrotham Heath, to Maidstone, and from the said Road into the Road from Mereworth to Hadlow, and for making and maintaining a Road from the said Road at Wrotham Heath to Teston, and from the said Road from Mereworth to Hadlow to Saint Leonard's Street in the Parish of West Malling, all in the County of Kent.
9 G. 4. c. xxxiv. -	61. An Act for repairing the Road from Spernal Ash in the County of Warwick, through Studley, to Birmingham.
9 G. 4. c. xxxvi. -	62. An Act for more effectually repairing the Roads from the Town of Cambridge to the Wadesmill Turnpike Road in the Parishes of Great Chishill and Little Chishill in the County of Essex, and from the said Town of Cambridge to Royston in the County of Cambridge.
9 G. 4. c. xlv.	63. An Act for repairing the Road leading from Ipswich to South Town, and from the said Road, at or near Beech Lane in the Parish of Darsham, to Bungay in the County of Suffolk.
9 G. 4. c lxxxiii. -	64. An Act for amending, diverting, and improving the present Roads, and making and maintaining certain new Roads between the Towns of Birstal and Huddersfield, in the West Riding of the County of York.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
10 G. 4. c. xx. -	65. An Act for more effectually improving and repairing the Road leading from the Turnpike Road at Wrotham Heath in the County of Kent to the Turnpike Road leading from Croydon to Godstone in the County of Surrey.
10 G. 4. c. liii. -	66. An Act for repairing the Road from the East End of the Town of Newmarket over Newmarket Heath to the Turnpike Road to Stump Cross in the Counties of Cambridge and Suffolk, and the Road branching out of the aforesaid Road near the Devil's Ditch on Newmarket Heath to the present Turnpike Road to Cambridge.
10 G. 4. c. lxii. -	67. An Act for repairing the Road leading from Tonbridge to Maidstone in the County of Kent.
10 G. 4. c. lxxviii. -	68. An Act for more effectually repairing the Road from James Deeping Stone Bridge to Peter's Gate in Stamford in the County of Lincoln, and from thence to the South End of the Town of Morcott in the County of Rutland.
10 G. 4. c. lxxix. -	69. An Act for improving and maintaining certain Roads in the Counties of Worcester, Warwick, Stafford, and Salop, called "The Dudley, Birmingham, Wolverhampton, and Streetway District;" *so far as the same relates to the Streetway and Wordsley Green and Wolverhampton and Cannock Roads.*
10 G. 4. c. lxxxiii. -	70. An Act for consolidating the Trusts of certain Roads called "The Blue Vein and Bricker's Barn Turnpike Roads," in the Counties of Wilts and Somerset, and for more effectually repairing and improving the same.
11 G. 4. c. ix. -	71. An Act for more effectually repairing the Roads to and from Longtown, and certain other Roads communicating therewith, in the County of Cumberland.
11 G. 4. c. xxxiv. -	72. An Act for more effectually repairing and otherwise improving several Roads from Radstock to Buckland Dinham, Kilmersdon, Babington, and Hallastrow, and from Norton Down to Norton St. Philip, in the County of Somerset.
11 G. 4. & 1 W. 4. c. xc.	73. An Act for repairing the Road from Foston Bridge to the Division Stone on Witham Common in the County of Lincoln.
11 G. 4. c. civ. - -	74. An Act for more effectually repairing the Roads from Hand Cross, through Cowfold, to Corner House, and from thence to the Turnpike Road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the Town of Henfield, and certain Branches therefrom, all in the County of Sussex; *so far as the same relates to the Branch Road.*

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
11 G. 4. & 1 W. 4. c. cvi.	75. An Act for improving and maintaining the Road leading from Walsall to Muckley Corner near Lichfield, and other Roads, in the County of Stafford.
1 W. 4. c. vii. -	76. An Act for more effectually maintaining the Road from Crossford Bridge to the Town of Manchester in the County Palatine of Lancaster, and for making a Branch Road to communicate therewith.
1 & 2 W. 4. c. xiv. -	77. An Act for more effectually repairing the Road from Norwich to Cromer in the County of Norfolk, and Two Branches of Road leading towards Holt and towards Wolterton in the said County.
1 & 2 W. 4. c. xxi. -	78. An Act for more effectually repairing the Roads from the Borough of King's Lynn, and other Roads therein mentioned, and for making a new Line of Road at Castle Rising, all in the County of Norfolk.
1 & 2 W. 4. c. xxv. -	79. An Act for repairing and improving certain Roads in the Counties of Stafford and Salop, leading to and from the Town of Wolverhampton in the County of Stafford.
1 & 2 W. 4. c. xxxvii.	80. An Act for maintaining the Road from Wakefield to Austerlands in the West Riding of the County of York.
2 W. 4. c. vi. -	81. An Act for more effectually maintaining and improving the Roads from Birmingham to Wednesbury, and to Great Bridge, and from thence to the Portway adjoining the Bilston and Wednesbury Turnpike Road, and to Nether Trindle near Dudley, and from Trouse Lane in the Parish of Wednesbury to Darlaston, in the Counties of Warwick, Stafford, and Worcester; and for making new Branches of Road communicating therewith.
2 W. 4. c. xvi. -	82. An Act for more effectually improving the Road from Burford to Banbury in the County of Oxford, and from Burford to the Road leading to Stow in the County of Gloucester, and from Swerford Gate in the County of Oxford to the Road in Aynho in the County of Northampton; and for making a new Branch of Road to communicate with the same.
2 W. 4. c. xx. -	83. An Act for more effectually repairing and otherwise improving the Road from Doncaster to Bawtry in the County of York.
2 W. 4. c. xxii. -	84. An Act for more effectually repairing the Road leading from Boroughbridge in the County of York to the City of Durham, and for making and maintaining certain Deviations therein; *so far as the same relates to that Part of the Road situate in the County of York.*

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
2 W. 4. c. xxxiv.	85. An Act for more effectually repairing the Road from the Sessions House in the Town of Buckingham to Hanwell in the County of Oxford; *so far as the same relates to the Lower Division.*
2 W. 4. c. li.	86. An Act for maintaining several Roads leading to and from the Town of Tamworth in the Counties of Stafford and Warwick.
2 W. 4. c. lxxi.	87. An Act for more effectually repairing the First District of the Road from Coleshill, through the City of Lichfield and the Town of Stone, to the End of the County of Stafford in the Road leading towards Chester, and several other Roads in the Counties of Warwick and Stafford and City and County of the City of Lichfield.
2 W. 4. c. xcviii.	88. An Act for repairing and improving the Road from the Great Bridge in the Borough of Warwick, through Southam and Daventry, to the Town of Northampton.
3 W. 4. c. xv.	89. An Act for more effectually repairing the Road from the City of Norwich to the Windmill in the Town of Watton in the County of Norfolk, and for making a new Branch of Road to communicate therewith.
3 W. 4. c. xvi.	90. An Act for repairing the Road from Wellsbourn Mountfort to Stratford-upon-Avon in the County of Warwick.
3 W. 4. c. xxxix.	91. An Act for more effectually repairing, altering, widening, and otherwise improving the Road from Ber Street Gates in the City of Norwich to New Buckenham in the County of Norfolk.
3 W. 4. c. xli.	92. An Act for repairing the Road from Upton in Ratley to Great Kington and Wellesbourne Hastings in the County of Warwick.
3 W. 4. c. xlii.	93. An Act for more effectually repairing the several Roads leading from the Towns of Hertford and Ware and other Places in the County of Hertford.
3 W. 4. c. xliii.	94. An Act for more effectually repairing the Road from Lewes to Brighthelmston in the County of Sussex.
3 W. 4. c. lv.	95. An Act for more effectually repairing the Roads leading from the City of Gloucester towards the City of Hereford, and also towards Newent and Newnham in the County of Gloucester, Ledbury in the County of Hereford, and Upton-upon-Severn in the County of Worcester.
3 W. 4. c. lvi.	96. An Act for more effectually repairing the Road from the North End of the Road called the Coal Road, near West Auckland in the County of Durham, to the Elsdon Road, near Elishaw in the County of Northumberland.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
3 W. 4. c. lvii. -	97. An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, for repairing the Roads from Manchester to Salter's Brook, and for making several Roads to communicate therewith; and also for making a certain new Extension or Diversion of the said Roads instead of a certain Extension or Diversion by the said Act authorized to be made.
3 & 4 W. 4. c. lxxxiii.	98. An Act for repairing, maintaining, and improving the Road from Tadcaster Bridge within the County of the City of York to Hob Moor Lane End.
3 & 4 W. 4. c. xcviii.	99. An Act for more effectually repairing the Road from Bury Saint Edmunds to Newmarket in the Counties of Suffolk and Cambridge.
5 W. 4. c. xx. -	100. An Act for repairing the Road from Farnborough to Riverhill in the Parish of Sevenoaks in the County of Kent, and for making several Diversions in the said Road.
5 W. 4. c. xl. -	101. An Act for more effectually repairing the Road from Saint Benedict's Gate in the County of the City of Norwich to Swaffham in the County of Norfolk, and from Halfpenny Bridge in Honingham to the Bounds of Yaxham, and also a Lane called Hangman's Lane, near the Gates of the said City.
5 & 6 W. 4. c. lxiii. -	102. An Act for improving and more effectually repairing the several Roads leading into and from the City of Worcester; *so far as the same relates to the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Districts of Roads.*
5 & 6 W. 4. c. lxiv. -	103. An Act for repairing the Roads from Sevenoaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodsgate, in the County of Kent.
6 W. 4. c. ii. -	104. An Act to amend an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing the Road from Farnborough to Riverhill in the Parish of Sevenoaks in the County of Kent; and for making a new Line of Road to communicate therewith.
6 W. 4. c. l. -	105. An Act for the more effectually repairing, improving, and maintaining the Road from the Town of Ashford to the Town of Maidstone in the County of Kent.
6 W. 4. c. lxxxv. -	106. An Act to amend an Act passed in the Ninth Year of the Reign of King George the Fourth, for diverting, improving, and maintaining the Roads between the Towns of Birstal and Huddersfield in the West Riding of the County of York.
7 W. 4. c. xvii. -	107. An Act for amending an Act of His present Majesty, for repairing the Roads from Sevenoaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodsgate in the County of Kent.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
6 & 7 Vict. c. xxvi. -	108. An Act for repairing and improving certain Roads in the Neighbourhood of Trentham and Stone in the County of Stafford, and for making and maintaining a new Road from Trentham Inn to the Newcastle-under-Lyme and Market Drayton Turnpike Road in the same County, and another new Piece of Road in the Parish of Trentham aforesaid ; *so far as the same relates to the Walton in Stone to Eccleshall, or Second District of Roads.*
11 & 12 Vict. c. cxxxvii.	109. An Act to enable the Trustees of the Worcester Turnpike Road to make certain new Roads, and to improve and more effectually maintain the several Roads leading into and from the City of Worcester; *so far as the same relates to the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Districts of Roads.*
11 & 12 Vict. c. cxlvi.	110. An Act for altering an amending an Act passed for maintaining the Road from Crossford Bridge to Manchester, and a Branch connected therewith.

FOURTH SCHEDULE.

(*Turnpike Trusts nearly out of Debt and continued by the Annual Turnpike Acts Continuance Act.*)

Acts which are to continue until the 30th of June 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
				Per Cent.	
		£	£	£	
Bedford - -	Barford - - -	430	183	5	4
	Hitchin and Bedford - -	554	34	4	36
Berks - -	Reading and Basingstoke -	860	200	5	11

Turnpike Acts Continuance, &c.

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
		£	£	Per Cent. £	
Chester - -	Macclesfield, District of the Sandon.	880	345	4	15, 22
	Span Smithy, Booth Lane, and Winsford.	400	72	5	10
Derby - -	Nottingham Road: from Derby to Risley.	570	350	4	25
Durham - -	Boroughbridge and Durham (part). *See also No.* 84 *in Third Schedule.*	925	580	5	32
	Bowes and Sunderland Bridge -	1,037	100	5	2, 5
	Darlington and Cockerton Bridge (United).	687	250	5	35
Essex - -	Epping and Ongar - -	1,413	500	5	37
	Hockerill - - -	1,127	250	5	27
Hants - -	Winchester and Alton, Lower District. *See also No.* 13 *in Third Schedule.*	450	300	4½	6
Hereford -	Blue Mantle Hall - -	355	200	5	17
Hunts - -	Godmanchester to Cambridge -	676	260	4	3
Kent - -	Dartford and Strood - -	1,146	600	4⅞ & 5	12
Lancaster - -	Barton Bridge and Moses' Gate	1,352	500	4½	19
	Hulton - - -	767	50	5	23
	Manchester, Oldham, and Austerlands.	3,939	1,857	5	39
	Pendleton Roads - - -	8,248	973	4	41
	Penwortham and Wrightington	1,006	400	5	18
Leicester - -	Burton Bridge to Market Bosworth.	1,250	50	5	28
Lincoln - -	Bridge End - - -	499	250	5	21
Northampton -	Wansford and Stamford. *See also No.* 40 *in Third Schedule.*	288	25	4	14
Nottingham -	Nottingham and Derby, Eastern Division.	837	250	4	25
Oxford - -	Barrington and Campsfield -	470	100	5	34
Somerset -	Frome - - -	1,694	1,100	4½	31
Stafford - -	Ashby-de-la-Zouch to Tutbury.	1,258	150	5	16
	Newport and Stonnall - -	538	200	5	8
	Walsall and Hamstead - -	527	250	4½	30

Turnpike Acts Continuance, &c.

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
		£	£	Per Cent. £	
Warwick -	Birmingham and Stratford-on-Avon.	1,095	300	4½	9
	Coventry and Wolvey - -	279	41	4	1
	Warwick, Paddlebrook, and Stratford.	738	200	4½	24
Worcester -	Birmingham and Bromsgrove -	953	392	4	29
	Dudley and Brettell Lane - (*United with Dudley, Pedmore, and Rowley Trust, see No. 9 in Sixth Schedule.*)	—	—	—	33
	Tenbury - - -	450	200	4	13
York - -	Dewsbury and Ealand - -	1,660	624	5	38
	Halifax and Sheffield: Huddersfield to Penistone.	1,002	400	4	7
	Rotherham and Swinton - -	855	457	4	26
	Rotherham and Wentworth -	—	—	—	20
Denbigh -	Llanrwst - - -	788	100	5	40
Warwick -	Ansley and Whitacre - -	64	2,600	One Penny.	42

Date of Act.	Title of Act.
53 G. 3. c. vi. -	1. An Act for repairing the Road from the City of Coventry to the Rugby Turnpike Road in the Parish of Wolvey in the County of Warwick.
53 G. 3. c. xxv. -	2. An Act for continuing and amending an Act of His present Majesty, for repairing the Roads leading from Bowes in the County of York, through Barnard Castle and Bishop Auckland, to join the Great North Road near Sunderland Bridge in the County of Durham.
53 G. 3. c. xli. -	3. An Act for more effectually repairing the Road from the Horseshoe Corner in Godmanchester in the County of Huntingdon to the South-east End of Castle Street in the Town of Cambridge in the County of Cambridge.
54 G. 3. c. xvii. -	4. An Act for enlarging the Term and Powers of Two Acts, passed in the Twelfth and Thirty-third Years of His present Majesty, for repairing the Road from the Parish of Cardington to the Great Northern Road near Temsford Bridge in the County of Bedford, and for making and maintaining a Road branching out of the same at Roxton Hill to the South End of the Turnpike Road leading from Bedford to Kimbolton in the County of Huntingdon.

Date of Act.	Title of Act.
56 G. 3. c. xxxiii. -	5. An Act to rectify a Mistake in an Act of the Fifty-third Year of His present Majesty, for repairing the Roads from Bowes in the County of York to join the Great North Road near Sunderland Bridge in the County of Durham.
57 G. 3. c. xxvi. -	6. An Act for amending the Roads leading from Basingstone near Bagshot, through Farnham in the County of Surrey, and Alton and New Alresford, to Winchester in the County of Southampton; *so far as the same relates to the Lower District.*
59 G. 3. c. xci. -	7. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from Huddersfield to Penistone in the County of York.
1 & 2 G. 4. c. xxxii.	8. An Act for continuing and amending Three Acts of Their late Majesties King George the Second and King George the Third, for repairing the Road from Newport in the County of Salop to Welsh Harp in the Township of Stonnall in the County of Stafford.
1 & 2 G. 4. c. lxxxi.	9. An Act for repairing the Road from Birmingham, through Stratford-upon-Avon, to Stratford Bridge in the County of Warwick.
3 G. 4. c. xlviii. -	10. An Act for more effectually repairing and widening the Roads from Spann Smithy, through Middlewich and by Spittle Hill in Stanthorn, to Winsford Bridge, and from Spittle Hill to Northwich in the County Palatine of Chester.
3 G. 4. c. lii. -	11. An Act for more effectually making, repairing, and improving the Road leading from Reading in the County of Berks to Basingstoke in the County of Southampton.
3 G. 4. c. lxx. -	12. An Act for repairing, widening, and maintaining the Road leading from Dartford to and through Northfleet and Gravesend, and thence to the Stone's End near the Parish Church of Strood in the County of Kent.
4 G. 4. c. xxv. -	13. An Act for more effectually amending, widening, and keeping in repair several Roads in and near to the Town of Tenbury in the Counties of Salop, Worcester, and Hereford, and the Roads leading from the Knowle Gate to the Turnpike Road on the Clee Hill, and from Kyre Mill to the Turnpike Road leading from Bromyard to Tenbury.
4 G. 4. c. cxi. -	14. An Act for more effectually repairing the Road from Wansford Bridge in the County of Northampton to Stamford, and from Stamford to Bourn in the County of Lincoln; *so far as the same relates to the Wansford District.*

Turnpike Acts Continuance, &c,

Date of Act.	Title of Act.
5 G. 4. c. xxiv. -	15. An Act for amending, repairing, and maintaining the Road from Sandon in the County of Stafford to Bullock Smithy in the County of Chester, and from Hilderstone to Draycott-in-the-Moors, and from Wetley Rocks to Tean in the said County of Stafford; *so far as the same relates to the "Macclesfield District of Road."*
5 G. 4. c. ci. -	16. An Act for more effectually repairing the Road from Ashby-de-la-Zouch in the County of Leicester, through Burton-upon-Trent in the County of Stafford, to Tutbury in the said County of Stafford.
5 G. 4. c. cxlii. -	17. An Act for amending and widening the Roads leading from Stretford's Bridge in the County of Hereford to the Cross Moor or Long Meadow End in the County of Salop, and other Roads therein mentioned in the said County of Hereford.
6 G. 4. c. ii. - -	18. An Act for repairing and maintaining the Road from Penwortham Bridge to the Boundary between the Townships of Wrightington and Shevington, and the Road from Lydiate Lane End to a Bridge called Little Hanging Bridge, all in the County of Lancaster.
6 G. 4. c. xlvii. -	19. An Act for more effectually amending, widening, and maintaining the Road from Barton Bridge in the Parish of Eccles, through the Township of Worsley, to Moses Gate in the Township of Farnworth, and for making, repairing, and improving other Roads to communicate therewith, all in the County Palatine of Lancaster.
6 G. 4. c. lii. - -	20. An Act for amending and repairing the Turnpike Road leading from the North End of the Town of Rotherham to the East Side of Tankersley Park in the County of York.
6 G. 4. c. liii. -	21. An Act for repairing the Road branching out of the Great North Road by the Guide Post at the South End of Spittlegate in the Parish of Grantham in the County of Lincoln, and leading from thence to the Turnpike Road at or near Bridge End in the same County.
7 G. 4. c. xx. -	22. An Act for amending an Act of His present Majesty, for repairing the Road from Sandon in the County of Stafford to Bullock Smithy in the County of Chester, and from Hilderstone to Draycott-in-the-Moors, and from Wetley Rocks to Tean, in the County of Stafford; so far as relates to the Macclesfield District of the Road, and for making a Diversion of Road in the said District.
7 G. 4. c. lxxxvii. -	23. An Act for more effectually amending and keeping in repair the Road called the Hulton Turnpike Road, lying between Knocket Wall Brook and the White Horse in West Houghton in the County Palatine of Lancaster.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
7 & 8 G. 4. c. xxvi. -	24. An Act for repairing the Roads from Warwick to Paddlebrook in the Parish of Stretton-on-the-Fosse, and from Warwick to Stratford-upon-Avon, in the Counties of Warwick and Worcester.
7 & 8 G. 4. c. xxvii. -	25. An Act for more effectually repairing and otherwise improving the Road from the East End of Chapel Bar in Nottingham to the New China Works near Derby, and from the Guide Post in the Parish of Lenton to Sawley Ferry, all in the Counties of Nottingham and Derby.
7 & 8 G. 4. c. lviii. -	26. An Act for amending, repairing, and maintaining the Turnpike Road from Rotherham to Swinton in the West Riding of the County of York.
10 G. 4. c. xxi. -	27. An Act for more effectually repairing, widening, and improving the Road from Harlow Bush Common in the Parish of Harlow in the County of Essex to Stump Cross in the Parish of Great Chesterford in the same County, and for making and maintaining Two new Lines of Road communicating therewith.
1 W. 4. c. x. -	28. An Act for repairing the Road from Burton Bridge in the County of Stafford to Market Bosworth in the County of Leicester.
1 W. 4. c. xi. -	29. An Act for repairing the Road from Birmingham to Bromsgrove.
1 W. 4. c. xlvi. -	30. An Act for improving and maintaining several Roads leading to and from the Town of Walsall in the County of Stafford.
1 & 2 W. 4. c. lxvi. -	31. An Act for better repairing and improving several Roads leading to and from the Town of Frome in the County of Somerset.
2 W. 4. c. xxii. -	32. An Act for more effectually repairing the Road leading from Boroughbridge in the County of York to the City of Durham, and for making and maintaining certain Deviations therein; *so far as the same relates to that Part of the Road situate in the County of Durham.*
2 W. 4. c. lxxxiv. -	33. An Act for maintaining and improving certain Roads within the Counties of Worcester and Stafford called "The Dudley and Brettell Lane District of Roads," and for making several Branches from such Roads.
4 & 5 W. 4. c. xciv. -	34. An Act for making, improving, and keeping in repair the Roads leading from Barrington to Campsfield and Enslow Bridge in the County of Oxford.
5 W. 4. c. xxv. -	35. An Act for more effectually repairing the Darlington and West Auckland and the Cockerton Bridge and Staindrop Roads in the County of Durham, and for consolidating the Trusts thereof.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
5 W. 4. c. xxxix. -	36. An Act for more effectually repairing and improving the Road from the Town of Hitchin, through Shefford, to the Turnpike Road from Saint Albans to Bedford, and also the Road from the Turning out of the said Road to Henlow and Gerford Bridge, and other Roads therein mentioned, in the Counties of Hertford and Bedford.
6 W. 4. c. xlix. -	37. An Act for more effectually repairing the Roads from Harlow Bush Common to and into the Parish of Woodford, and the Road from Epping to Writtle, and other Roads therein mentioned, all in the County of Essex.
6 & 7 W. 4. c. cxviii.	38. An Act for repairing, maintaining, and improving the Road from Dewsbury to Ealand in the West Riding of the County of York.
7 W. 4. c. xxxv. -	39. An Act for more effectually repairing, improving, and maintaining certain Roads leading to and from the Town of Llanrwst in the County of Denbigh.
7 W. 4. c. xliii. -	40. An Act for more effectually amending the Roads from Manchester in the County of Lancaster, through Oldham, to Austerlands in the County of York, and from Oldham to Ashton-under-Lyne, and from Oldham to Rochdale, and other Roads, and for making and maintaining new Lines to communicate therewith, all in the said County of Lancaster.
16 & 17 Vict. c. cxxxv.	41. An Act for more effectually repairing and improving several Roads leading to and from the Town of Salford, through Pendleton, and other Places in the County Palatine of Lancaster.
1 W. 4. c. xiv. -	42. An Act for repairing the Watling Street Road, the Mancester and Wolvey Heath Road, and other Roads communicating therewith, in the Counties of Leicester and Warwick, *so far as the same relates to the Ansley and Whitacre District of Road.*

FIFTH SCHEDULE.

(*Turnpike Trusts out of Debt, and the Local Acts not yet expired.*)

Acts which are to be repealed on and after the 30th of June 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	No. of Act.
Bedford - -	Bedford and Luton - - -	4
Berks - -	Chilton Pond - - -	17
Bucks - -	Colnbrook, Datchet, and Slough - -	12
Cambridge - -	Cambridge and Ely (The South District) -	23
	Stump Cross - - - -	11
Chester - -	Nantwich and Woore - - -	24
	Stockport and Warrington, and Washway (United). *See also No.* 58 *in Third Schedule.*	27
Cumberland -	Carlisle and Temon - - -	1, 2
Durham - -	Gateshead and Hexham - -	26
Leicester - -	Hinckley and Narborough - -	18
Lincoln - -	Lincoln: Newark Road - - -	15, 19
	„ Sleaford Road - - -	
Northampton -	Banbury and Lutterworth: Banbury to Drayton.	10
	„ Lutterworth to Badby.	
	Northampton to Newport Pagnell - -	7
	Stamford and Kettering - - -	25
Somerset - -	Wells and Highbridge - -	13
Surrey - -	Epsom - - - -	6
	Kingston and Sheetbridge: Lower District	22
	„ Upper District	
Sussex - -	Beechdown to Heathfield, Robertsbridge, &c.	21
	Brighton, Shoreham, and Lancing - -	3, 14
Warwick - -	Rugby and Lutterworth - - -	5
Wilts - -	Sarum and Eling: Eling District -	9
	„ Lobcombe District -	
	Warminster - - - -	8
York - -	Sheffield and Tinsley - - -	16, 20

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
24 G. 2. c. xxv. - *Term unlimited.*	1. An Act for laying out, making, and keeping in Repair a Road, proper for the Passage of Troops and Carriages, from the City of Carlisle to the Town of Newcastle-upon-Tyne.
51 G. 3. c. xiv. - *Term unlimited.*	2. An Act for altering and enlarging the Powers of so much of an Act of His late Majesty, for making a Road for the Passage of Troops and Carriages, from the City of Carlisle to the Town of Newcastle-upon-Tyne, as relates to the County of Cumberland.
11 G. 4. c. lxiii. - *Limited to expire at End of Session after July* 1872.	3. An Act for more effectually repairing and improving the Road from Brighton to Shoreham, for building a Bridge over the River Adur at New Shoreham, and for making a Road to Lancing, and a Branch Road therefrom, all in the County of Sussex ;—except in respect to the Bridge across the River Adur.
1 & 2 Vict. c. xlix. - *Limited to expire at End of Session after* 4 *July* 1869.	4. An Act for repairing the Road from Maulden Wood Corner to Westwood Gate in the County of Bedford.
1 & 2 Vict. c. lxxv. - *Limited to expire at End of Session after* 31 *December* 1869.	5. An Act for repairing and maintaining the Road from Lutterworth Hand on the Watling Street Road, through Churchover, Brownsover, Newbold-upon-Avon, Rugby, and Bilton, in the county of Warwick, to the Turnpike Road between Dunchurch and Hillmorton in the said County.
2 Vict. c. iv. - - *Limited to expire at End of Session after* 6 *May* 1870.	6. An Act for repairing the Road from Epsom to Tooting, and other Roads communicating therewith, all in the County of Surrey.
2 Vict. c. xiii. - *Limited to expire at End of Session after* 4 *June* 1870.	7. An Act for repairing the Road from Cotton End near the Town of Northampton to Newport Pagnel in the County of Buckingham.
3 Vict. c. xxi. - *Limited to expire at End of Session after* 3 *April* 1871.	8. An Act for making and repairing several Roads in and leading to and from the Town of Warminster in the County of Wilts.
3 Vict. c. xxxiv. - *Limited to expire at End of Session after* 8 *June* 1871.	9. An Act for repairing and improving the Roads from Lobcombe Corner in the Parish of Winterslow, to the City of New Sarum in the County of Wilts, and from the said City to Landford, and other Roads in the County of Southampton.
3 Vict. c. xxxviii. - *Limited to expire at End of Session after* 19 *May* 1871.	10. An Act for repairing and maintaining a Road from Banbury in the County of Oxford to Lutterworth in the County of Leicester, and other Roads communicating therewith.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
4 Vict. c. xx. - *Limited to expire at End of Session after 1 June 1872.*	11. An Act for maintaining certain Roads in the County of Cambridge, to be called "The Stumpcross Roads."
4 Vict. c. xxxiii. - *Limited to expire at End of Session after June 1872.*	12. An Act for more effectually repairing the Road from Cranford Bridge to Maidenhead Bridge, with Roads thereout to Eton, Town End, and to the Great Western Railway, and from Langley Broom to Datchet Bridge, all in the Counties of Middlesex and Bucks.
4 & 5 Vict. c. xcviii. *Limited to expire at End of Session after July 1872.*	13. An Act for more effectually widening and improving the Road from Wells to Highbridge, with a Road thereout to Cheddar, all in the County of Somerset.
4 & 5 Vict. c. cv. - *Limited to expire at End of Session after July 1872.*	14. An Act to amend an Act passed in the Eleventh Year of the Reign of King George the Fourth, for repairing and improving the Road from Brighton to Shoreham and Lancing in the County of Sussex; and for other Purposes connected therewith.
4 & 5 Vict. c. cviii. - *Limited to expire at End of Session after July 1872.*	15. An Act for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of Lincoln; *so far as the same relates to the "Newark Road," and to the "Sleaford Road."*
4 & 5 Vict. c. cix. - *Limited to expire at End of Session after 8 July 1872.*	16. An Act for repairing the Turnpike Road from Tinsley to Doncaster, and for making certain new Lines of Road to communicate with the same, all in the West Riding of the County of York; *so far as the same relates to the Sheffield and Tinsley Road.*
4 & 5 Vict. c. cxi. - *Limited to expire at End of Session after 7 July 1872.*	17. An Act for repairing and maintaining the Road from the Mayor's Stone in Abingdon to Chilton Pond in the County of Berks.
5 & 6 Vict. c. lxx. - *Limited to expire at End of Session after June 1873.*	18. An Act for more effectually repairing the Roads from the Borough of Leicester to Narborough, and from the said Borough of Leicester to Earl Shilton, and from Earl Shilton to Hinckley, all in the County of Leicester.
5 & 6 Vict. c. lxxi. - *Limited to expire at End of Session after July 1872.*	19. An Act to explain and amend an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of Lincoln; *so far as the same relates to the "Newark Road," and to the "Sleaford Road."*

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
12 & 13 Vict. c. lxiv. *Limited to expire at End of Session after 8 July 1872.*	20. An Act to extend the present Tinsley and Doncaster Turnpike Road from Tinsley to Sheffield, and for other Purposes.
15 Vict. c. lxxxi. - *Limited to expire at End of Session after July 1873.*	21. An Act for maintaining the Road from Beach Down near Battle to Heathfield, and from the Railway Station near the Town of Robertsbridge to Hood's Corner, all in the County of Sussex.
15 & 16 Vict. c. cxxiii. *Limited to expire at End of Session after 26 October 1873.*	22. An Act to repeal the Act relating to the Road from the Town of Kingston-upon-Thames in the County of Surrey to Sheetbridge near Petersfield in the County of Southampton; and to make other Provisions in lieu thereof.
15 & 16 Vict. c. cxxxiv. *Limited to expire at End of Session after 29 September 1873.*	23. An Act for more effectually maintaining and keeping in repair the Road from Cambridge to Ely, and other Roads therein mentioned, in the Counties of Cambridge and Norfolk; *so far as the same relates to the "South District."*
16 & 17 Vict. c. cxlvii. *Limited to expire at End of Session after 30 October 1874.*	24. An Act to repeal the Act relating to the Nantwich and Woore Turnpike Road, and to make other Provisions in lieu thereof.
17 & 18 Vict. c. cix. *Limited to expire at End of Session after 1 November 1875.*	25. An Act to repeal an Act for enlarging the Term and Powers of an Act of His late Majesty George the Third, for repairing the Road from Saint Martin Stamford Baron to Kettering, and from Oundle to Middleton Lane, in the County of Northampton; and to make other Provisions in lieu thereof; *so far as the same relates to the First District.*
18 & 19 Vict. c. clxxvi. *Limited to expire at End of Session after 1 November 1876.*	26. An Act for maintaining and improving the Road from Gateshead in the County of Durham to the Hexham Turnpike Road near Dilston Bar in the County of Northumberland, and other Roads connected therewith.
19 & 20 Vict. c. lxvi. *Limited to expire at End of Session after 1 November 1877.*	27. An Act for more effectually repairing certain Roads in the County of Chester, of which the Short Title is "Stockport and Warrington Road Act, 1856."

SIXTH SCHEDULE.

(Turnpike Trusts nearly out of Debt, and the Local Acts not yet expired.)

Acts which are to be repealed on and after the 30th of June 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
		£	£	Per Cent. £	
Chester - -	Woodside and Hoylake -	343	60	5	6
Derby - -	Derby, Ashborne, and Hurdloe -	785	100	4½	1, 8
Durham - -	Wearmouth Bridge to Tyne Bridge and Branch.	1,864	803	5	3
	South Shields - - - -	456	1,140	3½	11
Hants - -	Andover and Basingstoke -	786	300	4	5
	Basingstoke, Odiham, and Alton	735	200	3	4
Leicester - -	Ashby-de-la-Zouch - - -	1,386	625	5	7
Northampton -	Kettering and Northampton -	633	345	3	10
Nottingham -	Nottingham and Newhaven, First District.	2,220	450	4	13
Stafford - -	Lawton, Burslem, and Newcastle-under-Lyne.	2,220	200	4	14
Wilts - -	Trowbridge - - -	1,515	571	4	12
Worcester - -	Dudley and Brettell Lane, and Pedmore and Rowley (United). (*See also No. 33 in Fourth Schedule.*)	5,934	1,390	3	9
York - -	Wakefield and Halifax - -	988	300	5	2

Date of Act.	Title of Act.
9 G. 4. c. lxxix. - *Limited to expire at End of Session after 5 June 1872.*	1. An Act for diverting, widening, repairing, and improving the Road from the Town of Derby to the South End of Compton Street next Ashborne, and from Ashborne to Hurdloe House in the County of Derby, and that Part of the said Road called the Old Road leading from Hardy's Hill Toll Gate unto Compton.
1 Vict. c. xliii. - *Limited to expire at End of Session after 11 June 1869.*	2. An Act for repairing and maintaining the Roads leading from Wakefield to Halifax, and from near Hipperholm Bar to near Stump Cross, all in the West Riding of the County of York.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
2 Vict. c. xxii. - *Limited to expire at End of Session after 1 September 1870.*	3. An Act for more effectually repairing and improving the Road from Wearmouth Bridge to Tyne Bridge, with a Branch from the said Road to the Town of South Shields, all in the County of Durham.
2 Vict. c. xlv. - *Limited to expire at End of Session after 1 July 1870.*	4. An Act for repairing several Roads leading to the Towns of Basingstoke, Odiham, and Alton, in the County of Southampton, and for making several Deviations in the Line of the said Roads.
3 Vict. c. xxxi. - *Limited to expire at End of Session after April 1871.*	5. An Act for more effectually repairing the Road from Basingstoke in the County of Southampton to Lobcomb Corner in the County of Wilts, and other Roads therein described; and for making a new Road from the said Road at the Eastern Entrance of the Town of Andover to the Warren Farm Station on the London and South-western Railway in the said County of Southampton; *so far as the same relates to the Andover and Basingstoke District.*
4 & 5 Vict. c. cxiv. - *Limited to expire at End of Session after June 1872.*	6. An Act for maintaining and repairing as Turnpike a certain Road commencing at or near the North West Gate of the Woodside Hotel Stable Yard in the Township or Chapelry of Birkenhead, and terminating at or near the Cottage of Henry Berry in the Township of Little Meols in the Parish of West Kirby in the County of Chester; and for levying Tolls for that Purpose.
5 Vict. c. lxxiv. - *Limited to expire at End of Session after June 1873.*	7. An Act for more effectually repairing the Road from the Borough of Leicester in the County of Leicester to the Town of Ashby-de-la-Zouch in the said County.
14 Vict. c. xxxiv. - *Limited to expire at End of Session after 5 June 1872.*	8. An Act for continuing the Term of the Derby, Ashborne, and Hurdloe Road Act; and for other Purposes.
15 Vict. c. lxxxvi. - *Limited to expire at End of Session after 21 October 1873.*	9. An Act to repeal the Acts and Parts of Acts relating to the Pedmore and Holly Hall Districts of Roads, and to substitute other Provisions for the same.
15 Vict. c. xcix. - *Limited to expire at End of Session after 30 October 1873.*	10. An Act to repeal an Act for repairing the Road from Kettering to the Town of Northampton in the County of Northampton, and to substitute other Provisions in lieu thereof.

Turnpike Acts Continuance, &c.

Date of Act.	Title of Act.
17 Vict. c. xlvii. -	11. An Act to renew the Term and continue certain of the Powers of an Act passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled "An Act for making and maintaining a "Turnpike Road from South Shields to White Mere "Pool, and from thence to join the Durham and "Newcastle Turnpike Road at Vigo Lane, with a "Branch from Jarrow Slake to East Boldon, all in "the County of Durham."
17 & 18 Vict. c. lxxv. *Limited to expire at End of Session after 1 November 1875.*	12. An Act to create a further Term in the Trowbridge Roads, to add other Roads to the Trust, to amend and extend the Act relating to the said Roads; and for other Purposes.
18 & 19 Vict. c. xcii. *Limited to expire at End of Session after 1 January 1877.*	13. An Act for continuing the Term of the Nottingham and Newhaven Turnpike Road and Districts Act; and for other Purposes; *so far as the same relates to the First District.*
22 & 23 Vict. c. lxxxvii. *Limited to expire at End of Session after 1 November 1880.*	14. An Act to repeal the Acts relating to the Lawton, Burslem, and Newcastle-under-Lyme Turnpike Roads, and to consolidate and amend the Provisions thereof.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. C.

An Act to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of *Scotland*, and to make certain Changes in the other Courts thereof.

[31st *July* 1868.]

WHEREAS it is expedient to amend the Laws relating to the Procedure of the Court of Session in *Scotland*, and the Judicial Arrangements of the said Court, and Court of Commissioners for Teinds:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the "Court of Session Act, 1868." Short Title.

2. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in Interpretation of Terms.

in the Subject or Context repugnant to such Construction; that is to say,

The Expression "the Court" shall include the whole Court sitting together, also either Division of the Inner House, or any Lord Ordinary:

The Word "Pursuer" shall include Complainer, Suspender, Petitioner, or Appellant:

The Word "Defender" shall include Respondent.

Commencement of Act.

3. Excepting in so far as regards the Power herein-after given to the Court of Session to pass Acts of Sederunt, and also in so far as regards the Power given to the Commissioners of the Treasury by Section One hundred and five hereof (which Powers may be exercised from and after the passing hereof), this Act shall commence and take effect on and after the Fifteenth Day of *October* One thousand eight hundred and sixty-eight.

I.—Judicial Arrangements.

Sittings of Court of Session regulated.

4. The Ordinary Sittings of the Court shall be as follows, *viz.*: The Winter Session shall in each Year commence on the Fifteenth Day of *October*, or the first lawful Day, *Monday* excepted, which shall happen next thereafter, and shall end on the Twentieth Day of *March* following, or when that Day falls on a *Sunday* or *Monday*, then on the *Saturday* immediately preceding; and the Summer Session shall commence on the Twelfth Day of *May*, or the next lawful Day, *Monday* excepted, which shall happen next thereafter, and shall end on the Twentieth Day of *July*, or when that Day falls on a *Sunday* or *Monday*, then on the *Saturday* immediately preceding; but it shall be lawful for the Court at the Time of the *Christmas* Recess to adjourn for a Period not exceeding Fourteen Days, and to adjourn at such Time during the Month of *February* as shall be most convenient for a Period not exceeding Seven Days; and the Sittings of the Divisions of the Court for the Trial of Jury Causes shall be held at such Times in each Period of Vacation and Recess as the Lords President of the Divisions may respectively appoint. The Court, except the Lord Ordinary on the Bills, shall not sit on the Fifteenth Day of *May* or on the Eleventh Day of *November*, or when either of these Days happen to be a *Sunday*, on the following *Monday*.

5. Where

Court may extend Sittings of Inner House in certain Cases.

5. Where in any Year the whole of the Causes coming into the Inner House in the Winter Session shall not have been heard before the End of the Summer Session, the Court may, whenever it is expedient for the Despatch of Business, extend the Sittings of the Inner House at such Time and for such Period as may be necessary: Provided always, that nothing herein contained shall affect the Powers of the Court or of Her Majesty in Council to extend the Sittings of the Court under the Provisions of the Acts First *William* the Fourth, Chapter Sixty-nine, and Second and Third *Victoria*, Chapter Thirty-six.

Blank Days of Lords Ordinary abolished.

6. The Lords Ordinary shall sit in the Outer House upon *Tuesday*, *Wednesday*, *Thursday*, *Friday*, and *Saturday* of each Week during Session; but upon One of these Days in each Week they, in rotation, shall not call their Debate or Motion Rolls, but shall sit for the Purpose of taking Proofs or presiding at Trials by Jury in Causes depending before them respectively: Provided that nothing herein contained shall prevent the Lords Ordinary from taking Proofs or presiding at Trials by Jury on other Days when necessary.

Court to meet at 10 a.m.

7. The Hour of meeting of the Court, both Inner House and Outer House, on Sederunt Days shall be Ten of the Clock Forenoon; and it shall be competent for the Court to adjourn over any Day observed as a General Holiday or as a Sacramental Fast in the City of *Edinburgh*.

The Hours for the Attendance of the Clerks of Court at their Offices shall be as fixed from Time to Time by the Court.

Divisions may meet on Mondays during Session.

8. It shall be competent for either Division of the Inner House to sit on *Mondays* during Session at such Hours as shall be convenient for hearing and advising Causes standing on the Short and Summar Rolls of such Divisions respectively. Notwithstanding anything contained in this Act, *Monday* shall not be, and shall not be reckoned to be, a "Sederunt Day" in the Sense of this or any other Act, or of any Act of Sederunt. It shall further be competent for the Court from Time to Time by Act of Sederunt to appoint any Four Lords Ordinary to meet as a Court at such Times as shall be specified in the Act of Sederunt, for the Purpose of hearing and disposing of such Causes standing on the Rolls of the First and Second Divisions of the Inner House, not being Causes which have come into the Inner House by Reclaiming Note against the Judgment of a Lord Ordinary, and to appoint One or more of the Depute Clerks of Session to act as Clerk or Clerks of said Court; and further

further by Act of Sederunt to make all necessary Regulations as to the Causes which shall from Time to Time be so heard and disposed of; and the Senior Lord Ordinary present shall preside, and shall sign the Judgment of the said Court; and such Judgment shall have the same Effect in all respects as a Judgment of One of the Divisions of the Inner House of the Court.

Quorum of Teind Court which shall meet on alternate Mondays.

9. Any Five Judges, being Lords Commissioners for Teinds (of whom, except in case of Indisposition or Absence from other necessary Cause, the Lord Ordinary in Teind Causes shall be One), shall constitute a Quorum of the Court of Commissioners for Teinds; and the said Court, instead of meeting once a Fortnight on *Wednesday*, shall meet once a Fortnight on *Monday* during the Sitting of the Court of Session, at such Hours as shall be convenient.

Registration Appeals to be heard on Monday.

10. Appeals to Judges of the Court of Session under the Act or Acts in force for the Time in reference to the Registration of Persons entitled to vote at Elections for Members of Parliament shall be heard on *Mondays* during the Sitting of the Court of Session as often as shall be necessary, but with Power to the Court to continue the Hearing of any such Appeal on other Days.

Hearings before consulted Judges to be taken on Mondays.

11. Hearings under the Sixtieth Section of this Act, or under the Act Thirteenth and Fourteenth *Victoria*, Chapter Thirty-six, shall take place on *Mondays* during the Sittings of the Court as often as shall be necessary, but with Power to the Court to continue the Hearing of any such Case on other Days.

Case of Illness or Absence of Judges provided for.

12. In the event of the Indisposition or necessary Absence of any Judge, it shall be competent for the Lord President of the Court to nominate another Judge to officiate in his Room.

II.—Summons.

Summonses may be signed by any Agent practising before the Court of Session.

13. Summonses passing the Signet shall continue to be signeted as at present, but they may competently be signed by any Agent entitled to practise before the Court of Session; provided that in the event of such Agent not being a Writer to the Signet the Summons shall be signed on the last Page only by a Writer to the Signet in testimony of its being written to the Signet, and any Writer to the Signet shall, on a Fee of Two Shillings and Sixpence being tendered to him, be bound so to sign any Summons which may

may be presented to him for that Purpose, but he shall not by so signing incur any Responsibility.

Induciæ of Summonses and other Writs passing the Signet shortened.

14. All Summonses before the Court of Session may proceed on Seven Days Warning or Induciæ where the Defender is within *Scotland*, unless in *Orkney* and *Shetland* or in any other Island of *Scotland*, and Fourteen Days where he is in *Orkney* or *Shetland* or such other Island, or furth of *Scotland*, in place of the longer Induciæ required by the present Practice; and such shorter Induciæ shall also be competent and sufficient in respect to all other Letters passing Her Majesty's Signet bearing a Citation, Charge, Publication, or Service against Persons within or furth of *Scotland* respectively, and in respect to all Edictal Charges upon Decrees and registered Protests: Provided always, that in all Cases where any shorter Induciæ than the Induciæ above mentioned are at present sufficient, such shorter Induciæ shall continue to be sufficient after the passing of this Act.

As to proving lost Summonses or Pleading.

15. Where a Summons, Petition, or other original Writ or Pleading is lost or destroyed, a Copy thereof proved in the Cause to the Satisfaction of the Court before whom the Cause is depending at the Time, and authenticated in such Manner as he or they shall require, may be substituted, and shall be held equivalent to the Original for the Purposes of the Action.

Certified Copy may be used in place of Original in Service of Summonses and Writs.

16. It shall not be necessary that any Messenger or Sheriff Officer serving a Summons, Petition, Appeal, or Note of Suspension or Interdict shall have the original Document in his Hands at the Time of such Service, provided that a Copy certified as correct by the Agent in the Cause shall at the Time be in the Possession of such Messenger or Officer, and shall be exhibited to the Party on whom the Service is made, if required.

Lord Advocate's Concurrence not to be necessary in Actions of Reduction-Improbation and Ranking and Sale.

17. It shall not be necessary to obtain the Concurrence of Her Majesty's Advocate to any Summons of Reduction-Improbation, or Ranking and Sale, and such Summonses in future shall not bear to be instituted with the Concurrence of Her Majesty's Advocate: Provided that nothing herein contained shall affect the Right of Her Majesty's Advocate to institute any such Summons for the Interest of Her Majesty, Her Heirs and Successors.

Warrant of Inhibition may be inserted in

18. It shall be competent to insert in the Will of a Summons passing the Signet a Warrant of Inhibition, which shall have all the like Force and Effect as Letters of Inhibition in the Form in

Will of Summons.

Use at the passing of this Act; and such Warrant shall be, as nearly as may be, in the following Form:

'And also that ye lawfully inhibit the said 'personally or at his Dwelling Place, if within Scotland, and if 'furth thereof, at the Office of the Keeper of the Record of 'Edictal Citations at Edinburgh, from selling, burdening, disponing, 'alienating, or otherwise affecting his Lands or Heritages, to the 'Prejudice of the Pursuer; and that ye cause register this Summons 'and Execution hereof in the General Register of Inhibitions at 'Edinburgh for Publication to Our Lieges:'

Publication of such Warrants and Letters of Inhibition.

When Warrant of Inhibition is contained in the Will of a Summons passing the Signet, such Warrant may be executed either at the same Time as the Summons is served or at any Time thereafter, and it shall not be necessary to publish such Warrants, or to intimate Letters of Inhibition passing the Signet, to the Lieges in any other Way than by Registration in the General Register of Inhibitions; and in registering it shall be sufficient to register the Summons, including the Warrant of Inhibition, and the Execution of such Warrant, without registering any Condescendence or Note of Pleas in Law which may follow the Summons, or where Letters of Inhibition are used, then such Letters, with the Execution thereof, shall be registered; and from and after Registration as aforesaid, the Inhibition, whether contained in a Summons or by separate Letters of Inhibition, shall be held to be duly intimated and published to all concerned.

Summonses against certain Defenders, &c. may be served by Sheriff Officers.

19. Where any Defender called in any Summons, or any Person upon whom Service of any Proceeding is ordered by the Court or by the Judge officiating in the Bill Chamber, or any Witness or Haver requiring to be cited to attend said Court, or any Commissioner appointed by the same, resides within any County, or within any District of a County subject to the Jurisdiction of the ordinary Court of any Sheriff Substitute of such County, in which County or District of any County there shall not be at the Time a resident Messenger-at-Arms, or within any of the Islands of *Scotland*, it shall be competent for a Sheriff Officer of such County or of the Sheriffdom within which such Island is situated (as the Case may be) to serve such Summons or to make such Service or Citation upon such Defender or other Party or Witness or Haver within such County or Island, and such Service and Citation and Execution thereof shall have the same Effect as if done or made by a Messenger-at-Arms.

Amendment of Summonses and

20. In undefended Actions any Error or Defect in any Summons or other Pleading, whereby the Action is commenced in the Court of

of Session, may be amended upon Application to the Lord Ordinary or the Court before whom it depends, if the Lord Ordinary or the Court think such Amendment should be allowed; and such Amendment shall be made in Writing either upon the Summons or Pleading, or in a separate Paper, and shall be authenticated by the Signature of Counsel; and the Lord Ordinary or Court may, if he or they think fit, order the amended Summons or other Pleading to be served upon the absent Defender or Defenders, with Liberty to him or them to enter Appearance within such Time as shall seem proper: Provided that the Expenses occasioned by such Amendment shall not be chargeable against the Defender or Defenders; and provided also, that such Amendment shall not have the Effect of validating Diligence used on the Dependence of the Action so as to prejudice the Rights of Creditors of the Defender interested in defeating such Diligence, but shall be operative to the Effect of obviating any Objections to such Diligence when stated by the Defender himself, or by any Person representing him by a Title, or in right of a Debt contracted by him subsequent to the using of such Diligence.

Pleadings in undefended Causes.

21. No Party appearing in any Action or Proceeding in the Court of Session shall be entitled to state any Objection to the Regularity of the Execution or Service as against himself of the Summons or other Pleading or Writ whereby he is convened.

Party appearing not to state Objections to Execution of Summonses, &c.

III.—Calling and Decree in Absence.

22. Summonses may be called in Court on any Sederunt Day; and the Calling Lists shall be printed and published in the daily Rolls of Court, under such Regulations as the Court may see proper to make, in place of the separate Calling Lists now in use to be published; and in case a Pursuer shall not call his Summons in Court on the First Sederunt Day after the Expiration of the Inducie thereof, or on One of the Two Sederunt Days next ensuing, the Defender shall be entitled to the like Remedy by Protestation as is now competent, and subject to the like Conditions. The weekly printed Rolls of new Causes shall be discontinued; and where a Defender shall not enter Appearance on or before the Second Day after the Summons has been called in Court, the Cause may immediately be enrolled in the Lord Ordinary's Motion Roll as an undefended Cause for Decree in Absence; and where Appearance is timeously entered as aforesaid on behalf of a Defender, his Defences shall be lodged on or before the Tenth Day after the Date of Calling of the Summons, failing which, the Cause may be immediately enrolled for Decree

New Procedure in reference to calling of Summonses and Enrolment for Decree.

Decree in Absence, or in the Case of Actions containing reductive Conclusions the Cause may be enrolled for the Purpose of obtaining an Order for satisfying the Production, and thereafter the Cause may be enrolled by either Party for further Procedure.

Mode of obtaining Decrees in Absence.

23. When any Cause is enrolled as an undefended Cause before the Lord Ordinary, the Lord Ordinary shall, without any Attendance of Counsel or Agent, grant Decree in Absence in Common Form in Terms of the Conclusions of the Summons, or subject to such Restrictions as may be set forth in a Minute written on the Summons by the Agent of the Pursuer; and such Decree shall, except as herein-after provided, have the like Effect and be subject to the like Conditions in all respects as a Decree in Absence pronounced according to the present Law and Practice: Provided always, that at any Time within Ten Days from the Date of such Decree it shall be competent for the Defender to enrol the Cause in the Lord Ordinary's Motion Roll; or when such Ten Days shall expire in Time of Vacation or Recess, it shall be competent for the Defender at any Time within the said Ten Days to lodge his Defences with the Clerk, and at the next ensuing Sitting of the Lord Ordinary officiating on the Bills in Terms of the Ninety-third Section hereof to move him to recall the Decree in Absence; and if, when the Cause is called in said Roll, or moved before the said Lord Ordinary officiating on the Bills as aforesaid, the Defender shall produce his Defences, and shall pay to the Pursuer the Sum of Two Pounds Two Shillings, the Lord Ordinary or the Lord Ordinary officiating on the Bills, as the Case may be, shall pronounce an Interlocutor recalling the Decree in Absence, and allowing the Defences to be received; and the Cause shall thereupon be treated as if Defences had been lodged in due Time: Provided farther, that after the Lapse of Ten Days it shall be competent to extract any Decree in Absence; and it shall not be competent by Reclaiming Note to the Inner House to obtain the Recall of a Decree pronounced in Absence of the Defender.

Certain Decrees in Absence to have Effect as Decrees in foro.

24. Where a Decree upon which a Charge is competent shall have been pronounced in Absence of a Defender after personal Service of the Summons on such Defender, or after the entering of Appearance for such Defender with his Authority, and such Decree shall not have been recalled in virtue of the Provision to that Effect herein-before contained, such Decree after Extract, and upon the Lapse of Sixty Days after the Expiry of a Charge upon it not brought under Review by Suspension, shall be entitled to all the Privileges of a Decree *in foro* against such Defender; and a Decree

of

of Declarator, or any other Decree on which a Charge is not competent, obtained in Absence after such personal Service or Appearance as aforesaid, shall be final after the Lapse of Twenty Years from its Date unless the same shall before that Time have been lawfully recalled or brought under Review by Suspension or Reduction.

IV.—Record, Motions, and Probation.

Revisal of Pleadings not to be allowed as Matter of course.

25. Neither Party shall be entitled as Matter of Right to ask for a Revisal of his Pleadings; but it shall be competent for the Lord Ordinary to allow or to order a Revisal of the Pleadings, upon just Cause shown.

Procedure after Pleadings completed, and Adjustment of Pleadings.

26. If no Motion for Revisal is made as above provided, or if such Motion is refused, or after the Lapse of the Period within which the revised Pleadings fall to be lodged where a Revisal has been allowed or ordered, the Pursuer shall cause the Pleadings which are to form the Record to be printed, and shall within Eight Days from the lodging of the Defences or revised Pleadings, as the Case may be, deliver Two Printer's Proofs thereof to the Agent or to each of the Agents of the other Parties, and also to the Clerk to the Process, who shall transmit the same to the Lord Ordinary, and the Lord Ordinary shall direct the Cause to be put to the Roll for a Day, not less than Four and not more than Six Days thereafter; and upon such Day the Lord Ordinary shall require the Parties then to adjust their Pleadings, and shall close the Record: Provided that if the Pursuer shall fail to deliver the Printer's Proofs as aforesaid the Defender may enrol the Cause, and move for Decree of Absolvitor by Default, which Decree the Lord Ordinary shall grant unless the Pursuer shall show good Cause to the contrary: Provided also, that it shall not be competent of Consent of Parties to prorogate the Time for complying with any Statutory Enactment or Order of the Court, whether with reference to the making up and closing of the Record or otherwise.

Procedure after Record closed, and Adjustment of Issues.

27. The Lord Ordinary shall at the Time of closing the Record require the Parties then to state whether they are ready to renounce farther Probation; and if they are ready to do so the Counsel for the Parties shall sign a Minute to that Effect on the Interlocutor Sheet; and the Lord Ordinary shall, in the Interlocutor closing the Record, pronounce a Finding that farther Probation has been renounced, and shall appoint the Cause to be debated.

If the Parties shall not agree to renounce farther Probation, the Lord Ordinary shall appoint the Cause to be debated summarily at the End of the Motion Roll on a Day to be then fixed, before which Day the Parties shall respectively lodge the Issue or Issues, if any, which they propose for the Trial of the Cause; and the Lord Ordinary, after hearing Parties, shall, on the said Day, determine whether farther Probation should be allowed; and if he shall consider that it is necessary, he shall determine whether it is to be limited to Proof by Writ or Oath, and if not, whether it is to be taken before a Jury, or in what other Manner of Way:

(1.) If the Lord Ordinary considers that the Cause may be disposed of without farther Probation, he may, without any Adjournment, hear the Parties upon their Pleas, and dispose of them as appears to him just:

(2.) If the Lord Ordinary considers that farther Probation should be allowed, but that it should be limited to Proof by Writ or Oath, he may pronounce an Interlocutor to that Effect, and at the same Time determine how such Proof is to be taken, and make such Order as may be necessary:

(3.) If the Lord Ordinary shall think that farther Probation should be allowed, and that it should be taken before a Jury, he may, without Adjournment, proceed to adjust Issues for the Trial of the Cause, and pronounce an Interlocutor approving of the Issue or Issues which have been so adjusted; provided that if the Parties consent, and the Lord Ordinary approves, it shall be competent to direct the Cause to be tried by Jury without adjusting any such Issues, and such Cause shall be tried as nearly as may be in the same Manner in which Causes are tried in which Issues have been adjusted according to the present Law and Practice:

(4.) If the Lord Ordinary shall think farther Probation should be allowed, but that such Probation should not be taken before a Jury, he may pronounce an Interlocutor dispensing with the adjusting of Issues, and determining the Manner in which Proof is to be taken or Inquiry to be made, and make such Order as may be necessary for giving Effect to such Interlocutor.

Review of certain Interlocutors of the Lord Ordinary.

28. Any Interlocutor pronounced by the Lord Ordinary as provided for in the preceding Section, except under Sub-division (1.), shall be final, unless within Six Days from its Date the Parties, or either of them, shall present a Reclaiming Note against it to One of the Divisions of the Court by whom the Cause shall be heard summarily;

summarily; and when the Reclaiming Note is advised, the Division shall dispose of the Expenses of the Reclaiming Note, and of the Discussion, and shall remit the Cause to the Lord Ordinary to proceed as accords: Provided always, that it shall be lawful to either Party within the said Period, without presenting a Reclaiming Note, to move the said Division to vary the Terms of any Issue that may have been approved of by an Interlocutor of the Lord Ordinary, specifying in the Notice of Motion the Variation that is desired: Provided also, that nothing herein contained shall be held to prevent the Lord Ordinary or the Court from dismissing the Action at any Stage upon any Ground upon which such Action might at present be dismissed according to the existing Law and Practice.

Amendment of Records in defended Actions.

29. The Court or the Lord Ordinary may at any Time amend any Error or Defect in the Record or Issues in any Action or Proceeding in the Court of Session, upon such Terms as to Expenses and otherwise as to the Court or Lord Ordinary shall seem proper; and all such Amendments as may be necessary for the Purpose of determining in the existing Action or Proceeding the real Question in Controversy between the Parties shall be so made: Provided always, that it shall not be competent, by Amendment of the Record or Issues under this Act, to subject to the Adjudication of the Court any larger Sum or any other Fund or Property than such as are specified in the Summons or other original Pleading, unless all the Parties interested shall consent to such Amendment: And provided also, that no such Amendment shall have the Effect of validating Diligence used on the Dependence of the Action so as to prejudice the Rights of Creditors of the Defender interested in defeating such Diligence, but shall be operative to the Effect of obviating any Objections to such Diligence when stated by the Defender himself, or by any Person representing him by a Title, or in right of a Debt contracted by him, subsequent to the Execution of such Diligence.

Pleadings in Actions of Multiplepoinding.

30. In Actions of Multiplepoinding it shall not be necessary to lodge Answers to the original Condescendences and Claims, unless it is made to appear to the Satisfaction of the Lord Ordinary that the Claimants are at Issue on Matters of Fact material to the Action, and that Answers are necessary; and in such Actions it shall be competent for Parties having opposing Interests (where they are agreed upon the Facts) to make their Averments in the Form of a Joint Case, appending thereto their respective Claims and Pleas in Law: Provided always, that where the Competition

petition involves the Construction of written Documents, such Documents shall not be set out at Length on the Record, but shall be printed separately, and referred to in the Pleadings as set forth in such separate Print.

Motions in the Outer House.

31. The Motion Rolls of the Lords Ordinary in the Outer House shall, instead of being called before these Judges respectively, be hereafter called before the Clerks to the Processes therein enrolled; such Calling shall take place at such Hours as shall from Time to Time be fixed by the Lord President of the Court, and shall not be attended by Counsel, but by Agents practising before the Court, or by their Clerks duly authorized by them. If any Motion is unopposed, it may be granted by the Clerk, who shall write on the Interlocutor Sheet an Order in Terms of said Motion, which Order, being signed by said Clerk, shall have the same Effect and be treated in all respects as if it were an Interlocutor of the Lord Ordinary before whom the Cause depends, made out and signed according to the present Law and Practice. All Motions which are opposed, and also those which the Clerk thinks should be disposed of by the Lord Ordinary, shall, on a Requisition to that Effect by the said Clerk, be put to a Roll of continued Motions, which the Clerk of the Lord Ordinary is hereby required to make up, and which shall be called before the Lord Ordinary himself on such Days, not exceeding Two in each Week, as he may appoint for the hearing of Motions and summary Debates, and shall be disposed of by the Lord Ordinary after hearing Counsel; and it shall not be necessary that any Notice of the Enrolment of such continued Motions shall be given by either Party to the other. The Lord Ordinary, in disposing of any continued Motion, shall, unless he see Cause to the contrary, award such Sum of modified Expenses as he shall think fit to the Party who has successfully insisted in or opposed the same, as the Case may be.

Regulations as to Time of addressing the Court in Proofs under the Conjugal Rights and Evidence Acts.

32. In all Proofs before the Lord Ordinary under the Acts Twenty-four and Twenty-five *Victoria*, Chapter Eighty-six, and Twenty-nine and Thirty *Victoria*, Chapter One hundred and twelve, no Adjournment shall be allowed, except on special Cause stated in an Interlocutor, and the Evidence shall be summed up by One Counsel on each Side at the Conclusion of the Examination of the Witnesses, as in the Case of Jury Trials; and it shall not be necessary to print the Evidence, unless for the Purpose of bringing the Judgment of the Lord Ordinary thereon under the Review of the Inner House.

33. All

33. All Causes ready for Trial by a Proof before any of the Lords Ordinary, under the last-mentioned Acts, at the End of the Winter and Summer Sessions of the Court respectively, shall be tried at Sittings to be held by the Lord Ordinary before whom the Cause depends, or by some other Judge acting for him at his Request, during the ensuing Vacation, at such Time as may be fixed by the Lord Ordinary.

Time of Trial of Cases under the Conjugal Rights and Evidence Acts.

V.—Jury Trial.

34. When an Exception is taken in the Course of a Jury Trial, a Note thereof shall be taken by the Judge, or, if he shall so direct, or the Party excepting shall think proper, a Note thereof shall be written out, and signed by such Party or his Counsel, and also by the Judge at the Time; and such Exception may be made the Ground of an Application to set aside the Verdict, either by Motion for a new Trial, or by Bill of Exceptions.

Exceptions taken at a Jury Trial may be insisted in, either by Motion for new Trial, or by Bill of Exceptions.

35. The Bill of Exceptions (which may be subsequently prepared, and of which Notice shall be given as in the Case of a Motion for a new Trial,) shall consist of a distinct Statement of the Exception or Exceptions so noted, with such a Statement of the Circumstances in which the Exception or Exceptions were taken (including, if necessary, a Statement of the Purport of the Evidence, or Extracts therefrom, so far as bearing upon such Exception or Exceptions, but without any Argument,) as, along with the Record in the Cause, may enable the Court to judge of such Exception or Exceptions; and, unless the Party excepting shall choose, or the Judge at the Trial, or the Court at the Discussion of the Bill, shall so direct, it shall be unnecessary to print or submit to the Court the Notes of Evidence or the Documentary Evidence adduced at the Trial; and when such Notes and Documents are submitted to the Court, they shall form no Part of the Bill of Exceptions; and in discussing a Bill of Exceptions it shall be competent for either Party to refer to the Record, and to every Document produced and put in Evidence at the Trial, and the Notes of Evidence at the Trial may be produced and founded on at any Time.

Form of Bill of Exceptions; Evidence need not be set forth at Length in the Bill.

36. The Judge at the Trial may direct the Jury upon any Matter of Law (subject to the Opinion of the Court upon such Direction), and with Liberty to either Party to move the Court to enter the Verdict for such Party, although returned against him, if the Court should be of opinion that such Direction was erroneous,

Verdict may be taken subject to the Opinion of the Court on a Point reserved.

erroneous, and that such Party was truly entitled to a Verdict. The Opinion of the Court upon any Direction so given may be obtained upon Motion to enter the Verdict for the Party moving; and if the Court shall be of opinion that the Direction was erroneous, and that the Party moving is truly entitled to the Verdict in whole or in part, they shall direct the Verdict to be entered for him in whole or in part, either absolutely, or on such Terms as they may think fit; otherwise they shall refuse the Motion, or they may, if necessary, set aside the Verdict and order a new Trial: Provided also, that in such Applications, as well as in Motions for a new Trial, it shall not be necessary to print the Notes of the Evidence for the Use of the Court, but the Judge's Notes may be produced at any Time, if required.

Evidence may of Consent be taken in Shorthand.

37. Where the Parties agree, the Evidence at a Jury Trial taken in Shorthand, and extended by the Shorthand Writer, may, with the Consent of the Judge, be substituted for the Judge's Notes of the Evidence for all Purposes; and in such Cases it shall not be competent to ask for the Judge's Notes of Evidence.

Special Case may be substituted for Special Verdict.

38. It shall be lawful to substitute a Special Case signed by Counsel for a Special Verdict, and thereupon to discharge the Order for Trial, or the Jury, if one has been empannelled, without returning a Verdict; and such Special Case shall have the like Force and Effect as a Special Verdict.

Abandonment of Action in the course of a Trial.

39. Any Action may, with Leave of the Judge, be abandoned on the Conditions contained in the Tenth Section of the Act Sixth *George* the Fourth, Chapter One hundred and twenty, and relative Act of Sederunt, Section One hundred and fifteen, in the course of a Trial at any Time before the Judge has commenced to charge the Jury, or, where there is no Jury, at any Time before the Judge has made Avizandum with the Evidence: Provided that such Abandonment shall not be competent without the Leave of the Judge, who shall be of opinion that it is just and proper in the Circumstances: Provided further, that in granting such Leave the Judge shall specify the Time within which the Expenses shall be paid to the Defender; and if the Expenses shall not be paid within such Time the Defender shall be entitled to be assoilzied from the Conclusions of the Action, with Expenses.

Pursuer recovering less than 5*l.* of Damages not to recover

40. Where the Pursuer in any Action of Damages in the Court of Session recovers by the Verdict of a Jury less than Five Pounds, he shall not be entitled to recover or obtain from the Defender any Expenses

Expenses in respect of such Verdict, unless the Judge before whom such Verdict is obtained shall certify on the Interlocutor Sheet that the Action was brought to try a Right besides the mere Right to recover Damages; or that the Injury in respect of which the Action was brought was malicious; or, in the Case of Actions for Defamation or for Libel, that the Action was brought for the Vindication of Character, and was in his Opinion fit to be tried in the Court of Session.

Expenses if the Judge shall certify.

41. No Document tendered in Evidence at any Trial or Proceeding in the Court of Session (and which at the Time when the same is tendered might lawfully be stamped on Payment of a Penalty) shall be rejected by reason of the Omission to affix a Stamp thereto, or by reason of the Insufficiency of the Stamp; provided the Party tendering the same shall, before the Conclusion of such Trial or Proceeding, pay into Court such Sum as the Judge shall certify to be the Amount of Stamp Duty or of additional Stamp Duty chargeable thereon, with the Penalty required by Statute, and an additional Penalty of One Pound; and the Deliverance of the Judge that the Stamp upon any Document is sufficient, or that such Document does not require a Stamp, shall not be subject to Review.

Provision for Payment of deficient Stamp Duty pursuant to Judge's Certificate to be final.

42. Every Sum so paid for Stamp Duty and Penalty, including such additional Penalty, together with such Document and the Certificate of the Judge written thereon, shall immediately after the Trial be transmitted by the Clerk of the Process to the Commissioners of Inland Revenue, who shall cause the said Document to be impressed with a denoting Stamp corresponding to the Amount of Duty mentioned in the Certificate, and received by them, and shall return the Document with all convenient Speed to the Clerk.

Clerk to remit the Duty, &c. to Commissioners of Inland Revenue.

43. All Exemptions from Liability to serve as Jurors in *Scotland* depending on any Act passed subsequently to the Act Sixth *George* the Fourth, Chapter Twenty-two, are hereby abolished.

Certain Exemptions from serving as Jurors abolished.

44. In all Civil Causes appointed to be tried by Jury the Jurors for the Trial of any Cause shall be chosen in open Court by Ballot from the List of Persons summoned; and for that Purpose the Clerk of Court shall cause the Name and Designation of each Juror to be written on a separate Piece of Paper or Parchment, all the Pieces being of the same Size, and shall cause the Pieces to be rolled up as nearly as may be in the same Shape, and the Names of the Special Jurors shall be put together into One Box or Glass, and the Remainder

In Civil Causes Juries to consist of Eight Common and Four Special Jurors.

Remainder into another, and being respectively mixed, the Clerk shall draw out the said Pieces of Paper or Parchment One by One from both Boxes or Glasses in the Proportion of One from the Box containing the Names of the Special Jurors, and Two from the other Box; and if any of the Persons whose Names shall be so drawn shall not appear, or shall be challenged with or without Cause assigned, and be set aside, then such further Number shall be drawn until the Number required for the Trial shall be made out; and the Persons so drawn and appearing, and being sworn, shall be the Jury to try the Cause, and their Names shall be taken down and recorded, according to the present Law and Practice; but providing that when Challenges are made, and Jurors set aside, their Places shall be filled up with other Names, by drawing by Ballot as aforesaid from the Box or Glass containing the Description of Jurors challenged respectively.

Mode of returning Jurors.

45. The Number of Jurors to be cited for the Trial of any Cause or Causes appointed to be tried at *Edinburgh*, or at any Circuit Town (where a Special Diet shall be fixed for such Trial), shall be such as is specified in the Act Fifty-fifth *George* the Third, Chapter Forty-two, and a List of such Jurors shall be returned by the Sheriff of *Edinburgh*, or of any other County or Counties, as provided by the Act Sixth *George* the Fourth, Chapter Twenty-two, but so that One Third of the Number of Jurors required, or, if the Number required cannot be divided equally into Thirds, a Number as near as may be, more or less, at the Discretion of the Sheriff, shall be Persons qualified as Special Jurors, and shall be distinguished in the Return accordingly; provided that in the event of the List to be taken from the General Jury Book, as provided in the said Act, not being found to contain the said Proportion of Special Jurors, the Deficiency shall be supplied by Names to be taken from the Special Jury Book.

'rovisions or Trial of ivil Causes y Jury at Circuit.

46. Where a Cause is appointed to be tried at any Circuit Town in any Period of Vacation or Recess, and no Special Diet is fixed for such Trial, it shall be lawful for either of the Judges presiding at the Sittings of the Circuit Court of Justiciary in such Circuit Town to try the same, and such Trial may proceed either at the same Time with the Sittings of the said Circuit Court of Justiciary, or at the Termination thereof; and where a Cause is so tried it shall not be necessary that a separate List of Jurors shall be returned for the Trial thereof, but the Jury shall be chosen from the List of Jurors summoned to attend the Circuit Court of Justiciary, who shall be bound by their Citation to serve, if required, at

at the Trial of all Civil Causes for which no Special Diet of Trial shall have been appointed; but notwithstanding the Provisions herein contained it shall be competent for any Judge of the Court of Session to preside at the Trial of any Civil Cause which may fall to be tried during the Sittings of any Circuit Court of Justiciary, or at the Termination thereof.

Jurors to be cited by registered Post Letter.

47. The present Mode of citing Jurors for the Trial of Civil Causes shall be discontinued, and in place thereof the Sheriff Clerk of the County of *Edinburgh*, where the Trial is to take place at *Edinburgh*, or the Sheriff Clerk of the County in which any Juror is to be cited, where the Citation is for a Trial at a Circuit Town, or his Depute, shall fill up and sign a proper Citation addressed to each such Juror, and shall cause the same to be transmitted to him in a registered Post Letter, directed to him at his Place of Residence as stated in the Roll of Jurors; and a Certificate under the Hand of such Sheriff Clerk or his Depute of the Citation of any Jurors or Juror in manner herein provided shall have the like Force and Effect as an Execution of Citation according to the present Law and Practice.

Verdicts may be returned by a Majority.

48. A Jury may at any Time, being not less than Three Hours after it has been enclosed, return a Verdict by a Majority of its Number.

Remuneration of Jurors.

49. The Remuneration to be allowed to Jurors empannelled at the Trial by Jury of any Civil Cause shall be at the Rate of Ten Shillings to each Juror for each Day, or Part of a Day, during which such Juror shall be empannelled upon such Trial.

Inferior Court Agents to act at Jury Trials on Circuit.

50. At the Trial of any Civil Cause at a Circuit Town any Agent qualified to practise in the Sheriff Court of any County comprised within such Circuit may attend such Trial as sole Agent in the Cause, and shall be allowed for his Attendance, and for all necessary Business performed by him in connexion with such Trial, the same Fees as are allowed to Agents in the Court of Session.

VI.—Inner House Procedure.

Form of Reclaiming Notes, and Time of presenting.

51. Reclaiming Notes to the Inner House shall not contain any Prayer, but shall bear in general Terms that the Interlocutor or Interlocutors reclaimed against are submitted to Review.

52. Every

Effect of a Reclaiming Note against a Final Judgment.

52. Every Reclaiming Note, whether presented before or after the whole Cause has been decided in the Outer House, shall have the Effect of submitting to the Review of the Inner House the whole of the prior Interlocutors of the Lord Ordinary of whatever Date, not only at the Instance of the Party reclaiming, but also at the Instance of all or any of the other Parties who have appeared in the Cause, to the Effect of enabling the Court to do complete Justice, without Hindrance from the Terms of any Interlocutor which may have been pronounced by the Lord Ordinary, and without the Necessity of any counter Reclaiming Note; and after a Reclaiming Note has been presented, the Reclaimer shall not be at liberty to withdraw it without the Consent of the other Parties as aforesaid; and if he shall not insist therein, any other Party in the Cause may do so, in the same Way as if it had been presented at his own Instance.

Definition of Final Judgment in the Outer House.

53. It shall be held that the whole Cause has been decided in the Outer House when an Interlocutor has been pronounced by the Lord Ordinary, which, either by itself, or taken along with a previous Interlocutor or Interlocutors, disposes of the whole Subject Matter of the Cause, or of the Competition between the Parties in a Process of Competition, although Judgment shall not have been pronounced upon all the Questions of Law or Fact raised in the Cause; but it shall not prevent a Cause from being held as so decided that Expenses, if found due, have not been taxed, modified, or decerned for; and for the Purpose of determining the Competency of Appeals to the Court of Session, this Provision shall be applicable to the Causes in the Sheriff and other Inferior Courts, the Name of the Sheriff or other Inferior Judge or Court being read, instead of the Words "the Lord Ordinary," and the Name of the Sheriff Court or other Inferior Court being read instead of the Words "Outer House."

No Appeal allowed against Interlocutory Judgment without Leave; Effect of such Appeal.

54. Except in so far as otherwise provided by the Twenty-eighth Section hereof, until the whole Cause has been decided in the Outer House, it shall not be competent to present a Reclaiming Note against any Interlocutor of the Lord Ordinary without his Leave first had and obtained; but where such Leave has been obtained, a Reclaiming Note, presented before the whole Cause has been decided in the Outer House, may be lodged within Ten Days from the Date of the Interlocutor granting Leave with One of the Clerks of the Division of the Court in which the Cause depends, without Transmission of the Process, or any Part thereof; and such Note shall not have the Effect of removing the Cause or the Process from the Outer

Outer House, or of staying Procedure before the Lord Ordinary, or of excusing Obedience to or Implement of the Interlocutor reclaimed against, unless the Lord Ordinary shall otherwise direct, upon Motion made for that Purpose, and the Decision of the Lord Ordinary on such Motion shall be final.

Disposal of such Reclaiming Notes.

55. Failing such Direction by the Lord Ordinary as aforesaid, the Process shall remain, and the Cause shall proceed in the Outer House in all respects as if no such Reclaiming Note had been presented, until it is advised by the Inner House, when the Court shall pronounce such Judgment or Order as they shall think fit; and when the Cause shall be called for Hearing in the Inner House on such Reclaiming Note, the Interlocutor Sheet shall be delivered to the Inner House Clerk that the Judgment of the Court may be written thereon; and the Process shall, if required by either Party or by the Court, be delivered to the Inner House Clerk by the Outer House Clerk, but shall nevertheless be considered as still in the Outer House.

After Reclaiming Note against a Final Judgment, Cause not to be remitted to Outer House.

56. After the whole Cause has been decided in the Outer House within the Meaning of this Act, it shall not in any Case be necessary for the Inner House to remit the same back to the Outer House; but the Cause, when taken to the Inner House, after having been so decided in the Outer House, even though the Interlocutor of the Lord Ordinary or any of the Procedure shall be held to have been incompetent, shall, except in special Circumstances rendering a Remit expedient, remain in the Inner House, until it shall be finally and completely decided in the Court of Session.

Inner House may order Repayment of Money, &c.

57. In the event of any Interim Decree or Interlocutor pronounced in the Outer House having been implemented, it shall be lawful for the Court, in any Interlocutor recalling or altering such Interim Decree or Interlocutor, to order the Repayment of any Money which shall have been paid or recovered in Implement thereof, or to pronounce such Warrant *ad factum præstandum* or other Order as may be necessary in order to give Effect to such Recall or Alteration of the Lord Ordinary's Interlocutor, notwithstanding that the Interlocutor of the Lord Ordinary may have been extracted and put to Execution.

Hearing of Motion for new Trials, &c.

58. When a Motion for a new Trial or a Bill of Exceptions comes before One of the Divisions of the Court, if the Judge who tried the Cause is not One of the Judges of the Division, such Judge shall be called in to hear the Motion or Bill, as the Case may be; and

and when the Cause is advised, such Judge shall give his Judgment with the other Judges, and the Decision shall be in conformity with the Opinion of the Majority of the Judges present.

Provision for Rehearing before Five Judges in case of equal Division of Opinion.

59. In the event of the Judges of either of the Divisions of the Inner House being equally divided in Opinion on a Question of Fact arising upon a Proof, or upon a Cause which in their Opinion does not involve any legal Principle of Importance, it shall be competent for such Division to appoint the Cause to be re-heard before the Judges of the said Division, or such of them as shall be able to give Attendance in Court on the Day appointed, with the Assistance of such additional Judge or Judges to be afterwards named by the President or Judge presiding in the Division as shall make up the Number of Five Judges; and the Judgment to be pronounced upon such Hearing shall be in conformity with the Opinion of the Majority of the Five Judges, and shall bear to be the Judgment of the Division by which the Hearing was appointed, after consulting with such additional Judge or Judges, and may be signed at any ordinary Sitting of the said Division, without the Presence of such additional Judge or Judges, if he or they do not desire to attend for the Purpose of delivering separate Opinions.

Cases of Difficulty and Importance may be referred to Seven Judges in place of to the whole Court.

60. In Cases of equal Division of Opinion not falling under the preceding Section, and in Cases of Difficulty or Importance which, according to the existing Practice, may be referred by One of the Divisions of the Inner House to the whole Court, it shall be competent for such Division to direct that the printed Papers in the Cause shall be laid before Three other Judges to be named in the Interlocutor with a view to their Opinions being communicated in Writing, or to direct that the Cause shall be argued before themselves with the Assistance of such Three Judges (or Four Judges when that is necessary to complete the Number of Seven at the Time of the Re-hearing); and the Judgment to be pronounced thereon shall be in conformity with the Opinions of the Majority of the Seven Judges, and shall bear to be the Judgment of the Division by whom the Hearing was appointed, after consulting with such other Judges, and may be signed in the Absence of such other Judges at any ordinary Sitting of the Division.

New Trial not to be granted if Court equally divided.

61. No Verdict of a Jury shall be discharged or set aside upon a Motion for a new Trial, unless in conformity with the Opinion of a Majority of the Judges of the Division, and in case of equal Division Judgment shall be given in conformity with the Verdict; but this Provision shall not apply to Hearings upon Bills of Exceptions.

62. The

Amendment of 29 & 30 Vict. c. 112. s. 3

62. The Third Section of the Act Twenty-nine and Thirty *Victoria*, Chapter One hundred and twelve, is hereby amended to the Effect of providing that, notwithstanding the Terms of said Section, "where Proof shall be ordered by One of the Divisions of Court," it shall no longer be competent to remit to One of the Lords Ordinary to take such Proof, but it shall be taken before any One of the Judges of the said Division, whose Place may for the Time be supplied by One of the Lords Ordinary called in for that Occasion.

Special Cases on Questions of Law.

63. Where any Parties interested, whether personally or in some fiduciary or official Character, in the Decision of a Question of Law shall be agreed upon the Facts, and shall dispute only on the Law applicable thereto, it shall be competent for them, without raising any Action or Proceeding, or at any Stage of an Action or Proceeding, to present to One of the Divisions of the Court a Special Case, signed by their Counsel, setting forth the Facts upon which they are so agreed, and the Question of Law thence arising upon which they desire to obtain the Opinion of the Court; and which Case may set forth alternatively the Terms in which the Parties agree that Judgment shall be pronounced according to the Opinion of the Court upon the Question of Law aforesaid. When a Special Case is laid before One of the Divisions, the Court may order such Documents as appear to be necessary to be printed and boxed, and shall hear Parties in the Summar Roll, and give their Opinion or pronounce Judgment, as the Case may be, and such Judgment shall be extractible in common Form: Provided always, that the Case may be amended of Consent, and that, if the Court shall think fit, they may appoint the Case to be reheard in Terms of the Sixtieth Section hereof; and the Court shall dispose of all Questions of Expenses. Judgments pronounced in virtue of this Section shall be liable to Review by the House of Lords, unless such Review shall be excluded of Consent of all Parties.

VII.—Appeals from Inferior Courts.

Process of Advocation abolished.

64. The Process of Advocation is hereby abolished.

Appeals substituted for Advocation.

65. Wherever, according to the present Law and Practice, it is competent to advocate to the Court of Session a Judgment (final or not final, as the Case may be) of any Sheriff or other Inferior Court or Judge, it shall be competent, except as herein-after provided, to submit such Judgment to the Review of the Court

of Session by Appeal in the Manner herein-after provided: Provided always, that it shall not be necessary for the Appellant to find Caution for Expenses before taking or prosecuting his Appeal.

Form of Note of Appeal.

66. An Appeal to the Court of Session under this Act may, when otherwise competent, be taken by a Note of Appeal written at the End or on the Margin of the Interlocutor Sheet containing the Judgment appealed from, or any Note thereto annexed, or by a separate Note of Appeal lodged with the Clerk of the Inferior Court; and such Note of Appeal may be in the following or similar Terms:

"The Pursuer [*or* Defender *or* other Party] appeals to "the Division of the Court of Session:"

And the said Note shall specify the Division, and shall be signed by the Appellant or his Agent, and shall bear the Date on which it is signed.

Not competent to appeal after Six Months from Date of Final Judgment.

67. It shall not be competent to take or sign any Note of Appeal after the Expiration of Six Months from the Date of Final Judgment in any Cause depending before the Sheriff or other Inferior Court or Judge, even although such Judgment has not been extracted.

Time at which Interlocutors of Inferior Courts may be extracted.

68. A Party may take an Appeal within the Space of Twenty Days after the Date of the Judgment of which he complains, during which Period of Twenty Days Extract shall not be competent; but on the Expiration of the foresaid Period, if no Appeal shall have been taken, the Clerk of Court may give out the Extract; it being competent, however, to take such Appeal at any Time within the Period of Six Months from the Date of Final Judgment in the Cause, unless the Judgment has previously been extracted or implemented.

Effect of Appeals under this Act.

69. Such Appeal shall be effectual to submit to the Review of the Court of Session the whole Interlocutors and Judgments pronounced in the Cause, not only at the Instance of the Appellant, but also at the Instance of every other Party appearing in the Appeal, to the Effect of enabling the Court to do complete Justice without Hindrance from the Terms of any Interlocutor in the Cause, and without the Necessity of any Counter Appeal; and an Appellant shall not be at liberty to withdraw or abandon an Appeal without Leave of the Court; and an Appeal may be insisted in by any Party in the Cause other than the Appellant, in the same Manner and to the like Effect as if it had been taken by himself.

70. The

Notice of Appeal.

70. The Clerk of the Inferior Court shall, within Two Days after the Date of any Appeal being taken, send written Notice of such Appeal to the Respondent or his Agent: Provided that the Failure to give such Notice shall not invalidate the Appeal; but the Court of Session may give such Remedy for any Disadvantage or Inconvenience thereby occasioned as may in the Circumstances be thought proper.

Form of bringing Appeals into Court of Session.

71. Within Two Days after the Appeal shall have been taken, the Clerk of the Inferior Court shall transmit the Process to One of the Clerks of the Division of the Court to which the Appeal is taken, who shall subjoin to the Appeal a Note of the Day on which it is received; and it shall be lawful for either the Appellant or the Respondent at any Time after the Expiry of Eight Days from the Date of such Note to enrol the Appeal; and when the Appeal is called in the Roll, it shall be competent for the Court to order the whole Inferior Court Record, and the Interlocutors in Causa and Note of Appeal, and Notes of the Evidence and Productions, if any, to be printed and boxed to the Court; or the Court may dispense with the printing and boxing of any Portions of the same; and in case the Record and other Papers ordered to be printed shall not be printed and boxed by the Appellant, or in case he shall not move in the Appeal, it shall be lawful for the Court, on a Motion by any other Party in the Cause, either to dismiss the Appeal with Expenses, and to affirm the Interlocutor of the Inferior Court, or to grant an Order authorizing the Party moving to print and box the Record and other Papers aforesaid, and to insist in the Appeal as if it had been taken by himself.

Proof and Judgment upon Appeals.

72. The Court may, if necessary, order Proof or additional Proof to be taken in any Appeal under this Act, such Proof to be taken in the same Manner as Proof may be competently taken in any Cause depending before the Inner House, and shall thereafter, or without any such Order (if no such Proof or additional Proof is necessary), give Judgment on the Merits of the Cause according to the Law truly applicable in the Circumstances, although such Law is not pleaded on the Record; and the Record may, with Leave of the Court, be amended at any Time, on such Conditions as to the Court shall seem proper.

Appeal under s. 40. of 6 G. 4. c. 120.

73. It shall be lawful, by Note of Appeal under this Act, to remove to the Court of Session all Causes originating in the Inferior Courts in which the Claim is in Amount above Forty Pounds at the

the Time and for the Purpose and subject to the Conditions specified in the Fortieth Section of the Act Sixth *George* the Fourth, Chapter One hundred and twenty; and such Causes may be remitted to the Outer House.

Procedure in place of Advocations ob contingentiam.

74. In place of Advocations of Actions and Proceedings in Inferior Courts *ob contingentiam* of a Process in the Court of Session, it shall be lawful for the Party desiring to remove any such Action or Proceeding to the Court of Session to lay before the Lord Ordinary, or the Division of the Court before which such Court of Session Process shall actually be at the Time, a Copy of the Inferior Court Record or of such Pleadings as may have been lodged, and of the Interlocutors in the Cause, certified by the Clerk of the said Inferior Court, and to move for the Transmission of the Inferior Court Process to the Court of Session; and if upon Consideration thereof the said Lord Ordinary or Division of the Court shall be of opinion that there is Contingency between the said Processes, he or they shall grant Warrant to the Clerk of the Inferior Court Process for the Transmission thereof; and upon such Transmission being made the said Process shall thenceforth be proceeded with in all respects as if it had been advocated *ob contingentiam* to the Court of Session according to the present Law and Practice.

Exclusion of Review in such Cases.

75. The Decision of the Lord Ordinary or of the Court, as the Case may be, upon any such Motion for Transmission, shall be final at that Stage; but, in the event of the Application being refused, it shall be competent for either Party to renew the Motion at any subsequent Stage of the Cause.

Appeals substituted for Advocations under special Enactments.

76. Where, by any Statute now in force, special Provision is made for removing any Action or Proceeding in any Inferior Court to the Court of Session by Advocation, it shall be lawful to remove any such Action or Proceeding to the Court of Session by Appeal under this Act at the same Stage of the Cause, for the same Purpose, and with such and the like Restrictions as are provided by such Statute.

Provisions for completing Record in Processes removed to the Court of Session by Appeal.

77. Where it is necessary in any Action removed to the Court of Session by Appeal under this Act that a Record should be made up in the Court of Session, the Record shall be made up under the Direction of the Division of the Inner House in which the Appeal is depending.

78. Where,

Exclusion of Review by Advocation under special Enactments to imply Exclusion of Review by Appeal.

78. Where, by any Statute now in force, the Right of Review by Advocation to the Court of Session is excluded or restricted, such Exclusion or Restriction of Review shall be deemed and taken to apply to Review by Appeal under this Act.

Regulation of Interim Possession pending Appeal to the Court of Session.

79. In all Cases where the Judgment of any Inferior Court shall be brought under the Review of the Court of Session by Appeal, it shall be competent for the Inferior Court to regulate in the meantime, on the Application of either Party, all Matters relating to Interim Possession, having due Regard to the Manner in which the Interests of the Parties may be affected by the final Decision of the Cause; and such Interim Order shall not be subject to Review, except by the Court at the hearing of such Appeal, when the Court shall have full Power to give such Orders and Direction in respect to Interim Possession as Justice may require.

How far Provisions of Part VII. to apply to depending Actions.

80. The whole Provisions of Part VII. of this Act shall, so far as possible, apply to all Advocations in Dependence before the Inner House at the Commencement of this Act, and to all Advocations which may, after the Commencement of this Act, come before the Inner House by Report or Reclaiming Note from any Lord Ordinary: Provided always, that the Advocations depending before the Outer House at the Commencement of this Act shall be disposed of in the Outer House according to the present Law and Practice.

VIII.—Accountings, Suspensions, and Summary Petitions.

Accountant may be required to attend Debate, and assist in settling the Terms of the Remit.

81. The Court (in any Branch of its Jurisdiction), where a Question of Accounting is to be investigated, may request the Accountant, to whom it is intended to remit the Cause, to attend in Court at the Debate, and in the advising of the Cause may take the Assistance of such Accountant out of Court in settling the Terms of the Remit to be made to him.

Accountant to have Power to compel Production of Documents, and Attendance of Parties and Witnesses.

82. The Accountant shall have Power, by signed Order, to require the Attendance of the Parties before him at such Times, either in Session or in Vacation, as he may appoint; and also to fix the Times within which Notes of Objections and Answers, Vouchers, and other necessary Papers shall be lodged before him; and the Time appointed by such Order may be once prorogated without special Cause shown, and a Second Time upon special Cause to be mentioned in the Order of Prorogation; provided in case of

such Second Prorogation that Application is made before the Expiration of the Time previously appointed. When the Accountant has Power under the Remit to examine Witnesses or Havers, the Clerk of the Bills shall issue Letters of Second Diligence against any defaulting Witness or Haver, on a Bill presented by the Agent, and countersigned by the Accountant.

In case of Default Accountant to proceed ex parte.

83. In case of Failure to lodge any Note or Answer or Productions within the Time appointed, the Accountant shall proceed to dispose of the Cause upon the Evidence and Statements submitted to him; and in case of the Failure of One of the Parties to attend any Diet without reasonable Excuse, he shall proceed to dispose of the Cause, after hearing the Explanations of the other Party, according to his Opinion on its Merits.

Accountant may apply to Court for special Direction.

84. It shall be competent for the Accountant to apply, either by written Note, or *vivâ voce* in Presence of the Parties, to the Court for Direction as to any Point which may arise in the course of the Remit; and the Court may give such Directions either *vivâ voce*, or by Interlocutor thereon, or may suspend the Remit, and proceed to deal with the Point raised as in the Cause, and dispose of it accordingly.

Parties may appeal from Accountant, or move the Court for special Direction.

85. It shall be competent for either Party, with the Leave of the Accountant, to bring under Review of the Court any Interim Order or Proceeding of the Accountant, or, with Leave as aforesaid, to move the Court to give the Accountant special Directions on any Point arising in the Course of the Remit.

Accountant to report Results in the Form of a Certificate of his Opinion.

86. The Report of the Accountant shall state, in the Form of a Certificate, the Facts he has found to be established, and the Results at which he has arrived, and also the Points falling within the Remit which he suggests as proper for the Consideration of the Court; and any necessary Explanations of the Grounds of the Accountant's Findings and Opinion shall be stated in the Form of a Note appended to such Certificate; and such States of Accounts only shall be prepared as the Accountant or the Court shall consider essential for the proper Decision of the Cause.

Court empowered to take the Assistance of the Accountant in

87. The Accountant shall, if required by the Court or by either of the Parties, attend at the Debate on his Report; and it shall be lawful for the Court to take the Assistance of the Accountant out of Court in the Preparation of the Draft of the Judgment

in

in which the Opinions they may communicate to him shall be applied to the various Points of the Case, so as to bring out the proper Results of such Opinions, and so as, if possible, to obviate the Necessity of a Second Remit; and for this Purpose the Opinion of the Court may be communicated to the Accountant by the Judge, upon whom the Preparation of the Judgment of the Court may be devolved, in any way he may think fit.

applying their Judgment so as to bring out Results.

88. The whole of the above-mentioned Provisions in relation to Actions of Accounting shall be applicable to Causes in Dependence before any of the Lords Ordinary.

Procedure when Remit to Accountant made by the Lord Ordinary.

89. Where a Respondent in any Application or Proceeding in the Bill Chamber, whether before or after the Institution of such Proceeding or Application, shall have done any Act which the Court, in the Exercise of its preventive Jurisdiction, might have prohibited by Interdict, it shall be lawful for the said Court, or for the Lord Ordinary on the Bills, upon a Prayer to that Effect, in the Note of Suspension and Interdict, or in a supplementary Note, to ordain such Respondent to perform any Act which may be necessary for reinstating the Complainer in his Possessory Right, or for granting specific Relief against the illegal Act complained of.

Lord Ordinary on Bills, &c. may grant Warrant ad factum præstandum.

90. In all Proceedings in the Bill Chamber, as soon as an Interlocutor passing the Note has become final, and Caution has been found or Consignation has been made, in the event of Caution or Consignation having been ordered, the Cause shall become for all Purposes an Action depending in the Court of Session, and may immediately be enrolled by either Party in the Motion Roll of the Lord Ordinary to whom it is marked: Provided that where a Note of Suspension or other original Note in the Bill Chamber is not at the Time of its Presentation, or during the Dependence of the Process in the Bill Chamber, marked by the Respondent to One of the Lords Ordinary, it may, as soon as the Interlocutor passing the Note has become final, be so marked by the Complainer; and it shall not be necessary that any such Process should appear in the Calling Lists.

As soon as Note passed in Bill Chamber, Cause to become Court of Session Process.

91. It shall be lawful for the Court, upon Application by summary Petition, to order the Restoration of Possession of any Real or Personal Property of the Possession of which the Petitioner may have been violently or fraudulently deprived, and also to order the specific Performance of any Statutory Duty under such

Questions of Possession or specific Performance may be presented in the Form of a summary Petition.

such Conditions and Penalties (including Fine and Imprisonment where consistent with the Statute), in the event of the Order not being implemented, as to the Court shall seem proper; and such Petitions may be presented to any Lord Ordinary, or, in Time of Vacation or Recess, to the Lord Ordinary on the Bills, who shall proceed therein as Justice may require; and any such Petition presented to the Lord Ordinary on the Bills may, after the ordinary Sittings of the Court have commenced, be transferred to One of the Lords Ordinary in the Outer House in manner herein-before provided with respect to Bill Chamber Proceedings.

Appointment of Judicial Reporters on summary Petitions.

92. It shall be lawful for the Court to appoint not fewer than Six Agents, being Agents practising in the Court of Session of not less than Five Years standing, and skilled in Conveyancing, to be Judicial Reporters, and who shall hold their Office at the Pleasure of the Court; and all Remits which under the existing Practice are made to Agents practising in the Court of Session shall be made to such Judicial Reporters by Rotation, or in such other Way as may be considered most advisable for the Despatch of the Business entrusted to such Reporters, who shall be remunerated by Fees according to a Scale to be fixed by the Court, and which the Court may alter from Time to Time. The Court also shall have Power to regulate from Time to Time the Fees which shall be payable to any Accountant or Person of Skill, other than the Judicial Reporters foresaid, to whom any Remit is made in the course of any Judicial Proceedings before the Court.

IX.—Miscellaneous Provisions.

Procedure in Time of Vacation.

93. Summonses may be called, and Defences or other Pleadings may be returnable, at any of the Box Days in Vacation or Recess; and on the Fifth lawful Day after each Box Day the Lord Ordinary officiating on the Bills shall sit in Court for the Purpose of granting or recalling Decrees in Absence and hearing and disposing of Motions in any Cause in reference to the Preparation of the Record, or for the granting of Commissions and Diligence for the Recovery of Writings or the taking of Evidence to lie *in retentis*, or for any other Purpose which the Court may specify in any Act of Sederunt which they are empowered by this Act to make.

Lord Ordinary may sign Interlocutors in Vacation.

94. It shall be lawful for the Lords Ordinary at any Time in Vacation or Recess to sign Interlocutors pronounced in Causes heard in Time of Session, or at any extended Sittings, or at the Trial

Trial of Causes by Jury or by Proof, before such Lord Ordinary; provided that where any such Interlocutor is dated at or prior to the First Box Day in Vacation, the same may be reclaimed against on the Second Box Day; and where the Interlocutor is dated after the First Box Day, then on the First Sederunt Day ensuing, or within such Number of Days from the Date of such Interlocutor as may be competent in the Case of a Reclaiming Note against such Interlocutor, dated and signed during Session; and where such Interlocutor is signed during the *Christmas* Recess, the same may be reclaimed against on the First Sederunt Day ensuing, or within such Time after the Date thereof as may be competent as aforesaid: Provided that in the Case of Interlocutors which cannot be reclaimed against without the Leave of the Lord Ordinary, such Leave may be given by such Lord Ordinary, or in his Absence by the Lord Ordinary sitting on the Bills during Vacation or Recess.

New Procedure in place of Actions of Wakening.

95. Where, according to the existing Practice, a Cause would require to be wakened in order to its being proceeded with, it shall be competent for any of the Parties to enrol such Cause before the Lord Ordinary, and to lodge a Minute craving a Wakening of the Cause; and the Lord Ordinary may thereupon direct Intimation of such Minute to be made to the known Agents of the other Parties in the Cause, or to such Parties themselves, and shall direct Intimation to be made in the Minute Book of the Court of Session; and where said Parties have no known Agents, or are themselves furth of *Scotland*, the Lord Ordinary shall also appoint Edictal Intimation thereof to be made by Publication in the Record of Edictal Citations; and on the Expiration of Eight Days from the Date of such Intimation, or from the latest Date thereof, and on a Certificate being lodged in Process under the Hand of the Agent of the Party applying for the Wakening, certifying that he has duly intimated the Minute in Terms of the Lord Ordinary's Interlocutor, the Lord Ordinary may pronounce an Interlocutor holding the Cause as wakened, and the same may thereafter be proceeded with as wakened accordingly.

New Procedure in place of Actions of Transference.

96. Where, according to the existing Practice, a Cause may be transferred against any Party or Parties, it shall be competent to any Party who might have instituted a Summons of Transference to enrol the Cause before the Lord Ordinary, and to lodge a Minute craving a Transference of the Cause against such Party or Parties; and the Lord Ordinary may thereupon grant Warrant for serving a Copy of the Summons or other original Pleading upon the Party or Parties against whom such Cause is sought to be transferred, and

at the same Time shall allow such Party or Parties to give in a Minute of Objections to such Transference within a Time to be specified in the Interlocutor; and such Interlocutor shall also be intimated in common Form to the Agents of the other Parties in the Cause; and such and the like Procedure may be had in virtue of the Service of such Summons or Pleading under the Lord Ordinary's Warrant as might have been had in virtue of the Execution of a Summons of Transference; and if the Lord Ordinary shall think fit to transfer the Cause in Terms of the said Minute (which the Lord Ordinary is hereby authorized to amend if necessary), he shall pronounce an Interlocutor holding the Cause as transferred against the Party or Parties named in such Minute or amended Minute, and the Cause shall be taken to be transferred accordingly.

New Procedure in place of combined Actions of Wakening and Transference.

97. Where, according to the existing Practice, a Cause would require to be wakened in order to its being proceeded with, and also to be transferred against any Party or Parties, it shall be competent to any Party who might have instituted a Summons of Wakening and Transference to enrol the Cause before the Lord Ordinary, and to lodge a Minute craving a Wakening of the Cause, and a Transference thereof against such Party or Parties; and after such Procedure by Intimation and Service as is herein-before directed with respect to Motions for Wakening and Transference respectively, the Lord Ordinary may pronounce an Interlocutor holding the Cause as wakened, and may either in the same Interlocutor, or in an Interlocutor to be subsequently pronounced, as Justice may require, also transfer the Cause against the Parties named in such Minute.

Transference of Actions depending in the Inner House.

98. It shall be lawful, where the Process is in the Inner House, to apply by Minute to the Division of the Court in which the Cause depends for a Transference of the Cause in manner herein-before provided against any Party or Parties named in such Minute: Provided also, that nothing herein contained shall prevent the Lord Ordinary or the Court from sisting any Person upon his own Application by Minute as a Party to the Cause, where such Person is, according to the existing Practice, entitled to be sisted as Representative, Trustee, or Guardian, or in any other Relation to any Party who shall be already a Party to the Cause, or who shall have died during the Dependence thereof; and any such Application to be so sisted may be combined with an Application for Wakening.

99. It

Court of Session (Scotland).

Not competent to object to Productions after Record closed.

99. It shall no longer be competent to object to the Production of any Document after a Record has been closed, on the Ground that it was in the Possession or under the Control of the Party producing it at the Time when the Record was closed: Provided that the Court or the Lord Ordinary may attach such Conditions, as to Expenses or otherwise, to the receiving of such Documents as to them or him shall seem proper.

Amendment of Conjugal Rights Act.

100. "The Conjugal Rights (*Scotland*) Amendment Act, 1861," is hereby amended as follows, *viz.*:

(1.) It shall be sufficient Compliance with the Provision in the Tenth Section of said Act if the Personal Service therein required is made by the Delivery to the Defender personally of the Summons by a Person (although not a Messenger-at-Arms or other Officer of the Law) duly authorized by the Pursuer for that Purpose, and such Person shall return a Certificate that such Delivery has been made: Provided always, that it shall be competent for the Lord Ordinary to call for farther Evidence of the Service by such Delivery, if he shall think proper:

(2.) Notwithstanding the Terms of the Thirteenth Section of said Act, it shall be competent for the Lord Ordinary to grant Commission to any Person competent to take and report in Writing the Deposition of a Haver according to the existing Practice, although such Haver shall be resident in *Scotland*.

Cognition of the Insane regulated.

101. It shall no longer be competent to direct a Brieve for the Cognition of a Person alleged to be *incompos mentis prodigus et furiosus*, or of a Person alleged to be *incompos mentis fatuus et naturaliter idiota*, to the Judge Ordinary; and the Brieves of Furiosity and Idiotry hitherto in Use are hereby abolished; and in lieu thereof it is enacted, that a Brieve from Chancery, written in the *English* Language, shall be directed to the Lord President of the Court of Session, directing him to inquire whether the Person sought to be cognosced is insane, who is his nearest Agnate, and whether such Agnate is of lawful Age; and such Person shall be deemed insane if he be furious or fatuous or labouring under such Unsoundness of Mind as to render him incapable of managing his Affairs; and such Brieves shall be served upon the Persons sought to be cognosced, on Induciæ of Fourteen Days; and the Brieve shall be tried before the said Lord President and a Special Jury, or before any other Judge of the Court of Session to whom the said Lord President may remit the same, and

and a Special Jury; and the Trial shall be conducted in the same Manner as Jury Trials in Civil Causes in *Scotland* are conducted, with all the like Remedies as to Motions for new Trials, and Bills of Exceptions which are competent with reference to such Jury Trials; and the Court shall have Power to award Expenses against either Party; but they shall not award Expenses against the Party prosecuting the Brieve, unless they are of opinion that the same was prosecuted without reasonable or probable Cause; and the Verdict and Service of the Jury shall be retoured to Chancery, and shall, unless set aside on any Ground, have the like Force and Effect, and be followed by the like Procedure, as a Retour of the Verdict and Service of the Jury before the Judge Ordinary according to the present Law and Practice.

Bonds of Caution for Judicial Factor for Lunatics to be approved of by Principal Clerks of Session only.

102. Whereas by the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy-one, Section Eighty-four, it is provided that no Caution for any Judicial Factor for a Lunatic shall be received as sufficient by any of the Principal Clerks of Session until the Accountant of the Court of Session shall approve thereof: Be it enacted, That the said Provision be repealed, so far as relates to the Approval of Caution for Judicial Factors to Lunatics by the said Accountant of Court, and that after the passing of this Act all such Bonds of Caution shall be received by the Principal Clerks of Session in the same Manner as before the passing of the said last-mentioned Act.

Regulation as to Declinature of Jurisdiction.

103. It shall not be deemed a Ground of Declinature of Jurisdiction that the Judge (whether in the Court of Session or in any of the Inferior Courts) is a Partner in any Joint Stock Company carrying on as its sole or principal Business the Business of Life and Fire or Life Assurance, where such Company is a Party to the Proceeding in which the Judge is called to exercise his Jurisdiction; and it shall not be deemed a Ground of Declinature of Jurisdiction that any such Judge is possessed, merely as a Trustee, of any Stock or Shares in any incorporated Company, where such Company is a Party to the Proceeding.

Annual Returns to be made to Parliament.

104. The Clerks and other Officers of the Court of Session shall make, in such Manner and Form as may from Time to Time be ordered and required by One of Her Majesty's Principal Secretaries of State, annual Returns of the Business of their respective Offices for the Year ending on the Thirty-first Day of *December* immediately preceding, and shall transmit such Returns to Her Majesty's Advocate for *Scotland* on or before the Fifteenth Day of *January* in each

each Year; and Her Majesty's Advocate for *Scotland* is hereby required to prepare from these Returns a general Return for the Court of Session, and on or before the First Day of *March* in each Year to cause the same to be transmitted to One of Her Majesty's Principal Secretaries of State to be laid before Parliament.

Salaries of certain Officers to be regulated.

105. Whereas by the Tenth, Twelfth, Thirteenth, Sixteenth, Nineteenth, Twenty-fifth, and Twenty-sixth Sections of the Act First and Second *Victoria*, Chapter One hundred and eighteen, and by the Third Section of the Act Twentieth and Twenty-first *Victoria*, Chapter Eighteen, certain Salaries were provided to certain therein-named Officers of the Court of Session and of the Bill Chamber of said Court, and of the Court of Commissioners for Teinds: So much of the said Sections of said Acts as fixes the Amounts of said Salaries respectively is hereby repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such Officers of the Court of Session and of the Bill Chamber of said Court, and of the Court of Commissioners for Teinds, such Salaries as to them shall seem proper, payable quarterly out of any Monies to be voted by Parliament for that Purpose, which Salaries shall come in lieu of the Salaries now payable, and of any Fees or other Allowances exigible by such Clerks.

Court to make Acts of Sederunt.

106. The Court of Session may from Time to Time make such Regulations by Act of Sederunt as shall be necessary for carrying into effect the Purposes of this Act; and for regulating the Times and Forms of Summonses and Writs and Modes of Procedure, and of Pleadings; and generally the Practice of the said Court in respect of the Matters to which this Act relates; and for regulating the Fees of the Agents practising before the said Court; and, so far as may be found expedient, for altering the Course of proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them; and may also repeal or alter the Provisions of any Act of Sederunt relating to any of the Matters herein-before specified as may be inconsistent with such new Regulations; and for that Purpose the said Court may meet during Vacation as well as during Session: Provided that every such Act of Sederunt shall, within One Month after the Date thereof, be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State in order that it may be laid before both Houses of Parliament; and if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Act of Sederunt has been laid before such House of Parliament, resolve

that the whole or any Part of such Act of Sederunt ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding.

Repeal of Acts, &c.

107. All Laws, Statutes, Acts of Sederunt, and Usages shall be and the same are hereby repealed in so far only as they may be in any way inconsistent or at variance with the Provisions of this Act, but in all other respects they shall remain in full Force and Effect; and this Act shall be read and construed along with the Tenor thereof.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP CI.

An Act to consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in *Scotland*, and to make certain Changes in the Law of *Scotland* relating to Heritable Rights. [31st *July* 1868.]

WHEREAS it is expedient to consolidate the Statutes which have been passed during recent Years relating to the Forms of constituting and completing Titles to Land and to Heritable Securities in *Scotland*, and to make certain Changes upon the Law of *Scotland* in regard to Heritable Rights, and to the Succession to Heritable Securities, in *Scotland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act may be cited for all Purposes as "The Titles to Land Consolidation (*Scotland*) Act, 1868." Short Title.

2. This Act shall take effect from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, unless in so far as it is herein appointed to take effect at an earlier Date. Commencement of Act.

3. The

Interpretation of Terms.

3. The following Words and Expressions in this Act, and in the Schedules annexed to this Act, shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Words "Superior," "Vassal," "Grantor," "Grantee," "Disponer," "Disponee," "Legatee," "Adjudger," and "Purchaser," shall extend to and include the Heirs, Successors, and Representatives of such Superior, Vassal, Grantor, Grantee, Disponer, Disponee, Legatee, Adjudger, or Purchaser respectively; and the Word "Successors" shall extend to and include Heirs, Disponees, Assignees legal as well as voluntary, Executors, and Representatives:

The Word "Month" shall mean Calendar Month:

The Words "Sheriff of Chancery" shall extend to and include the Sheriff of Chancery and his Substitute under this Act, or under the Act of the Tenth and Eleventh *Victoria*, Chapter Forty-seven; and the Word "Sheriff" shall extend to and include the Sheriff and Steward of any County or Stewartry and his Substitute, and the Sheriff of Chancery and his Substitute:

The Words "Sheriff Clerk of Chancery" shall extend to and include the Sheriff Clerk of Chancery acting under this Act, or who acted under the Act of the Tenth and Eleventh *Victoria*, Chapter Forty-seven, and the Depute of such Sheriff Clerk; and the Words "Sheriff Clerk" shall extend to and include the Sheriff Clerk of Chancery and the Sheriff Clerk and Steward Clerk of any County or Stewartry and their respective Deputes:

The Words "Crown Writ" shall extend to and include all Charters, Precepts, and Writs from Her Majesty, and from the Prince; and the Word "Crown" shall extend to and include Her Majesty and the Prince; the Words "Her Majesty" shall extend to and include Her Majesty and Her Royal Successors; and the Word "Prince" shall extend to and include the Prince and Steward of *Scotland* and his Successors:

The Word "Charter" and the Word "Writ" shall each extend to and include all Crown Writs, and all Charters, Precepts, and Writs from Subject Superiors:

The Word "Deed" and the Word "Conveyance" shall each extend to and include all Charters, Writs, Dispositions, whether containing a Warrant or Precept of Sasine or not, and whether *inter vivos* or *mortis causa*, and whether absolute or in trust, Feu Contracts, Contracts of Ground Annual, Heritable Securities, Reversions, Assignations, Instruments, Decrees of Constitution relating to Land to be afterwards adjudged, Decrees of Adjudication for Debt, and of Adjudication in Implement, and

of

of Constitution and Adjudication combined, whether for Debt or Implement, Decrees of Declarator and Adjudication, Decrees of Sale, and Decrees of General and of Special Service, whether such Decrees contain Warrant to Infeft or Precept of Sasine or not, and the Summonses, Petitions, or Warrants on which any such Decrees proceed, Warrants to Judicial Factors, Trustees, or Beneficiaries of a lapsed Trust, to make up Titles to Lands and the Petitions on which such Warrants proceed, Writs of Acknowledgment, Contracts of Excambion, Deeds of Entail, Procuratories of Resignation *ad remanentiam*, and all Deeds, Decrees, and Writings by which Lands, or Rights in Lands, are constituted or completed or conveyed or discharged, whether dated, granted, or obtained before or after the passing of this Act, and official Extracts of all Deeds and Conveyances; and all Codicils, Deeds of Nomination, and other Writings annexed to or endorsed on Deeds or Conveyances or bearing reference to Deeds or Conveyances separately granted, and Decrees of Declarator naming or appointing Persons to exercise or enjoy the Rights or Powers conferred by such Deeds or Conveyances, shall be deemed and taken for the Purposes of this Act to be Parts of the Deeds or Conveyances to which they severally relate, and shall have the same Effect in all respects as to the Persons so named and appointed as if they had been named and appointed in the Deeds or Conveyances themselves:

The Words "Deed of Entail" shall extend to and include all Deeds and Conveyances of Lands under the Fetters of a strict Entail, and all Procuratories, Bonds, and Contracts by which Lands are settled under such Fetters:

The Word "Instrument" shall extend to and include all Notarial Instruments authorized by this Act, or by any of the Acts hereby repealed, and also all Instruments of Sasine, Instruments of Resignation *ad remanentiam*, Instruments of Resignation and Sasine, and Instruments of Cognition and Sasine, and Instruments of Cognition:

The Words "Heritable Security" and "Security" shall each extend to and include all Heritable Bonds, Bonds and Dispositions in Security, Bonds of annual Rent, Bonds of Annuity, and all Securities authorized to be granted by the Seventh Section of the Act of the Nineteenth and Twentieth *Victoria*, Chapter Ninety-one, intituled *An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King* George *the Third relating to Judicial Procedure and Securities for Debts in* Scotland, and all Deeds and Conveyances whatsoever, legal as well as voluntary, which are or may be used for the Purpose of constituting or completing or transmitting

mitting a Security over Lands or over the Rents and Profits thereof, as well as such Lands themselves and the Rents and Profits thereof, and the Sums, Principal, Interest, and Penalties secured by such Securities, but shall not include Securities by way of Ground Annual, whether redeemable or irredeemable, or absolute Dispositions qualified by Back Bonds or Letters:

The Word "Creditor" shall extend to and include the Party in whose Favour an Heritable Security is granted, and his Successors in right thereof:

The Word "Debtor" shall include the Debtor and his Successors:

The Word "Lands" shall extend to and include all Heritable Subjects, Securities, and Rights:

The Words "Notary Public" shall be held to mean a Notary Public duly admitted to practise in *Scotland*:

The Word "Petitioner" shall extend to and include any Person who may have presented or may present a Petition within the Meaning of this Act, or of any Act hereby repealed:

The Words "Judicial Factor" shall extend to and include Judicial Factors or Curators Bonis to Persons under Incapacity, Factors *loco tutoris*, Factors *loco absentis*, and all Judicial Managers:

The Words "infeft" and "Infeftment" shall extend to and include the due Registration, in the appropriate Register of Sasines, of any Deed or Conveyance, whether before or after the Commencement of this Act, by which Registration a Real Right to Lands has been or shall be constituted.

Acts specified in Schedule (A.) repealed.

4. From and after the Commencement of this Act the several Acts and Part of Act set forth in Schedule (A. No. 1.) to this Act annexed, to the Extent to which such Acts or Part of Act are by such Schedule expressed to be repealed, and every other Act or Acts, and such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be and the same are hereby repealed: Provided always, that such Repeal shall not be construed to lessen or affect any Right to which any Person may at the Time of such Repeal be entitled under the said Acts or Part of Act, or to lessen or affect any Liability then existing thereunder, or to invalidate or affect anything done prior to the passing hereof in pursuance of the said Acts or Part of Act, or to revive or render necessary any Deed, Form, Procedure, or Practice by said Acts or Part of Act repealed, abolished, or rendered unnecessary; and provided also that any Right to Lands constituted or acquired under said Acts or Part of Act may be completed, transferred, or extinguished either under the same or under this Act.

5. It

In Conveyances of Land, &c. not held Burgage, certain Clauses may be inserted in the short Forms given in Schedule (B.) No. 1.

5. It shall not be necessary to insert in any Conveyance of Lands in *Scotland* not held by Burgage Tenure a Clause of Obligation to infeft, or a Precept of Sasine, or Warrant of Infeftment; and in any Conveyance of such Lands in which all or any of the following Clauses are necessarily or usually inserted, (*videlicet*,) a Clause declaring the Term of Entry, a Clause expressing the Manner of holding, a Procuratory or Clause of Resignation, a Clause of Assignation of Writs and Evidents, a Clause of Assignation of Rents, a Clause of Obligation to free and relieve of Feu Duties and Casualties due to the Superior, and of Public Burdens, a Clause of Warrandice, a Procuratory or Clause of Registration for Preservation or for Preservation and Execution, it shall be lawful and competent to insert all or any of such Clauses in the Form or as nearly as may be in the Form No. 1. of Schedule (B.) hereunto annexed; and all or any of such Clauses, if so inserted in any such Conveyance, or in any Conveyance dated after the Thirtieth Day of *September* One thousand eight hundred and forty-seven, shall have the Meaning and Effect assigned to them in the Sixth and Eighth Sections of this Act, and shall be as valid, effectual, and operative, to all Intents, Effects, and Purposes, as if the same had been expressed in the fuller Mode or Form generally in use prior to the said Thirtieth Day of *September* One thousand eight hundred and forty-seven.

Import of Clause expressing Manner of holding.

6. If the Lands have been or shall be conveyed to be holden *a me* only, the Clause so expressing the Manner of holding shall imply that the Lands are to be holden from the Grantor of and under his immediate lawful Superiors, in the same Manner as the Grantor or his Predecessors or Authors held, hold, or might have holden the same, and that the Title of the Disponee may be completed either by Resignation or Confirmation, or both, the one without Prejudice of the other; and if the Lands shall be disponed to be holden *a me vel de me*, the Clause so expressing the Manner of holding shall imply that the Lands are either to be holden of the Grantor in Free Blench, for Payment of a Penny *Scots* in Name of Blench Farm, at *Whitsunday* yearly, upon the Ground of the Lands, if asked only, and freeing and relieving the Grantor of all Feu Duties and other Duties and Services exigible out of the said Lands by his immediate lawful Superiors thereof, or to be holden from the Grantor of and under his immediate lawful Superiors, in the same Manner as the Grantor or his Predecessors or Authors held, hold, or might have holden the same, and that the Title of the Disponee may be completed either by Resignation or Confirmation, or both, the one without Prejudice of the other; and where no Manner of holding is expressed, the Conveyance shall

be held to imply that the Lands are to be holden in the same Manner as if the Conveyance contained a Clause expressing the Manner of holding to be *a me vel de me*, where the Titles of the Lands contain no Prohibition against Sub-infeudation, or against an alternative Holding, and as if the Conveyance contained a Clause expressing the Manner of holding to be *a me*, where the Titles contain such Prohibitions, or either of them: Provided always, that where the said Titles contain such Prohibitions, or either of them, the Conveyance shall, if an Entry in the Lands therein specified or thereby conveyed be expede with the Superior within Twelve Months from the Date of such Conveyance, have the same Preference in all respects from the Date of recording the Conveyance or any Instrument thereon in the appropriate Register of Sasines as if such Conveyance contained a Clause expressing the Manner of holding to be *a me vel de me*, and the Titles did not contain any Prohibition against Sub-infeudation or against an alternative Holding: And provided always, that nothing contained in this Act shall be construed to take away or impair any of the Rights and Remedies competent to a Superior against his Vassal lying out unentered.

In Conveyances of Burgage Property certain Clauses may be inserted in the Forms given in Schedule (B.) No. 2.

7. It shall not be necessary to insert in any Conveyance of Lands in *Scotland* held by Burgage Tenure a Clause of Obligation to infeft, or a Procuratory or Clause of Resignation; and every Conveyance of such Lands shall imply that the Lands thereby conveyed are to be holden of Her Majesty in Free Burgage, for Service of Burgh used and wont; and in any Conveyance of such Lands in which all or any of the following Clauses are necessarily or usually inserted, (*videlicet*,) a Clause declaring the Term of Entry, a Clause of Obligation to free and relieve of Ground Annual, Cess, Annuity, and other public Burdens, a Clause of Assignation of Rents, a Clause of Assignation of Writs and Evidents, a Clause of Warrandice, and a Clause of Registration for Preservation and Execution, it shall be lawful and competent to insert all or any of such Clauses in the Form or as nearly as may be in the Form No. 2. of Schedule (B.) hereto annexed; and all or any of such Clauses, if so inserted in any such Conveyance, or in any similar Conveyance dated after the Thirtieth Day of *September* One thousand eight hundred and forty-seven, shall have the Meaning and Effect assigned to them in the Eighth Section of this Act, and shall be as valid, effectual, and operative to all Intents and Purposes as if they had been expressed in the fuller Mode or Form generally in use prior to the said Thirtieth Day of *September* One thousand eight hundred and forty-seven.

8. The

Import of Clauses in Schedule (B.) Nos. 1. & 2.

8. The Clause for resigning the Lands in Form No. 1. of Schedule (B.) hereto annexed shall be held and taken to be equivalent to a Procuratory of Resignation *in favorem* only in the Terms in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, unless specially expressed to be a Resignation *ad remanentiam*, in which Case it shall be equivalent to a Procuratory of Resignation *ad remanentiam* according to the Form in use prior to the said Date; and the Clause of Assignation of Writs and Evidents in Forms Nos. 1. and 2. of Schedule (B.) hereto annexed shall, unless specially qualified, be held to import an absolute and unconditional Assignation to such Writs and Evidents, and to all open Procuratories, Clauses, and Precepts, if any, and as the Case may be, therein contained, and to all unrecorded Conveyances to which the Disponer has Right; and the Clause of Assignation of Rents in these Forms shall, unless specially qualified, be held to import an Assignation to the Rents to become due for the Possession following the Term of Entry, according to the legal and not the conventional Terms, unless in the Case of forehand Rents, in which Case it shall be held to import an Assignation to the Rents payable at the conventional Terms subsequent to the Date of Entry; and the Clause of Warrandice in these Forms shall, unless specially qualified, be held to imply absolute Warrandice as regards the Lands and Writs and Evidents, and Warrandice from Fact and Deed as regards the Rents; and the Clause of Obligation to free and relieve from Feu Duties, Casualties, and Public Burdens, in Form No. 1. of Schedule (B.) hereto annexed, shall, unless specially qualified, be held to import an Obligation to relieve of all Feu Duties or other Duties and Services or Casualties payable or prestable to the Superior, and of all public, parochial, and local Burdens due from or on account of the Lands conveyed prior to the Date of Entry; and the Clause of Obligation to free and relieve from Ground Annuals, Cess, Annuity, and other public Burdens, in Form No. 2. of Schedule (B.) hereto annexed, shall, unless specially qualified, be held to import an Obligation to relieve of all Ground Annuals, Cess, Annuity, and other public, parochial, and local Burdens, due from or on account of the Lands conveyed prior to the Date of Entry; and the Clause of Consent to Registration in these Two Forms shall, unless specially qualified, have the Meaning and Import and Effect assigned to them in the One hundred and thirty-eighth Section of this Act.

Conditions of Entail may, in Conveyances of Entailed Lands, be inserted by

9. It shall not be necessary, in any Conveyance or Deed of or relating to Lands held under a Deed of Entail, or of or relating to Lands obtained by Excambion in Exchange for Lands held under any Deed of Entail, or of or relating to Lands purchased or acquired

Reference merely.

acquired for the Purpose of being added to any Estate held under any Deed of Entail, or entailed on the Heirs and under the Conditions specified in any Deed of Entail, to insert the Destination of Heirs, or the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, or Clause authorizing Registration in the Register of Tailzies, contained in any such Deed of Entail; provided the same shall in such Conveyance or Deed be specially referred to, as set forth at full Length in such Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth at full Length in any Conveyance or Deed recorded in the appropriate Register of Sasines and forming Part of the Progress of Title Deeds of the said Lands held under such Deed of Entail, such Reference being made, as nearly as may be, in the Terms set forth in Schedule (C.) hereto annexed; and the Reference to such Destination, or to such Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, or Clause authorizing Registration in the Register of Tailzies, if so made in any such Conveyance or Deed, whether dated prior or subsequent to the Commencement of this Act, shall be equivalent to the full Insertion thereof, and shall, to all Intents and in all Questions whatever, whether *inter hæredes* or with Third Parties, have the same legal Effect as if the same had been inserted exactly as they are expressed in the recorded Deed of Entail, Conveyance, or Deed referred to, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, or any Enactments or Provisions to the contrary contained in an Act of the Parliament of *Scotland* made in the Year One thousand six hundred and eighty-five, intituled *An Act concerning Tailzies*, or in any other Act or Acts of the Parliament of *Scotland* or of *Great Britain*, or of the United Kingdom of *Great Britain* and *Ireland*, now in force.

Real Burdens may be referred to as already in the Register of Sasines.

10. Where Lands are or shall hereafter be held under any Real Burdens or Conditions or Provisions or Limitations whatsoever appointed to be fully inserted in the Investitures of such Lands, it shall, notwithstanding such Appointment, and notwithstanding any Law or Practice to the contrary, not be necessary in any Conveyance or Deed of or relating to such Lands to insert such Real Burdens or Conditions or Provisions or Limitations, provided the same shall, in such Conveyance or Deed, be specially referred to as set forth at full Length in the Conveyance or Deed of or relating to such Lands recorded in the appropriate Register of Sasines, wherein the same were first inserted, or in any such Conveyance or Deed of subsequent Date recorded as aforesaid, and forming Part of the Progress of Titles of the said Lands, such Reference

Reference being made in the Terms or as nearly as may be in the Terms set forth in Schedule (D.) hereto annexed; and the Reference to such Real Burdens or Conditions or Provisions or Limitations if so made in any such Conveyance or Deed, whether dated prior or subsequent to the Commencement of this Act, shall be held to be equivalent to the full Insertion thereof, and shall, to all Intents and in all Questions whatever, whether with the Disponer or Superior or Third Parties, have the same legal Effect as if the same had been inserted exactly as they are expressed in the recorded Conveyance or Deed referred to, notwithstanding any Law or Practice or Act or Acts of Parliament to the contrary.

Description of Lands contained in recorded Deeds may be inserted in subsequent Writs by Reference merely.

11. In all Cases where any Lands have been particularly described in any prior Conveyance or Deed of or relating thereto recorded in the appropriate Register of Sasines, it shall not be necessary in any subsequent Conveyance or Deed conveying or referring to the whole or any Part of such Lands to repeat the particular Description of the Lands at Length, but it shall be sufficient to specify some leading Name or Names or some distinctive Description of the Lands, as contained in the Titles thereto, and to specify the Name of the County, and, where the Lands are held by Burgage Tenure, or by any similar Tenure, the Name of the Burgh and County in which they are situated, and to refer to the particular Description of such Lands as contained in such prior Conveyance or Deed so recorded in or as nearly as may be in the Form set forth in Schedule (E.) hereto annexed; and the Specification and Reference so made in any such subsequent Conveyance or Deed, whether dated prior or subsequent to the Commencement of this Act, shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance or Deed, and shall have the same Effect as if the particular Description had been inserted in such subsequent Conveyance or Deed exactly as it is set forth in such prior Conveyance or Deed.

Clause directing Part of Conveyance to be recorded.

12. Immediately before the Testing Clause of any Conveyance of Lands, it shall be competent to insert a Clause of Direction, in or as nearly as may be in the Form No. 1. of Schedule (F.) hereto annexed, specifying the Part or Parts of the Conveyance which the Grantor thereof desires to be recorded in the Register of Sasines; and when such Clause is so inserted in any Conveyance, whether dated before or after the Commencement of this Act, and with a Warrant of Registration thereon, in which express Reference is made to such Clause of Direction (such Warrant being in the Form as nearly as may be of No. 2. of Schedule (F.) hereto annexed), is presented to the Keeper of the appropriate Register of Sasines for

Registration, such Keeper shall record such Part or Parts only, together with the Clause of Direction and the Testing Clause and Warrant of Registration; and in the Absence of such express Reference in the Warrant of Registration as aforesaid, such Conveyance shall be engrossed in the Register as if it had contained no Clause of Direction; and the recording of such Part or Parts of the Conveyance, together with the Clause of Direction and the Testing Clause, and the Warrant of Registration, as before provided, shall have the same legal Effect as if, at the Date of such recording, a Notarial Instrument containing such Part or Parts of the Conveyance had been duly expede and recorded in the appropriate Register of Sasines in favour of the Person on whose Behalf the Conveyance is presented: Provided that, notwithstanding such Clause of Direction, it shall be competent for the Person entitled to present the Conveyance for Registration to record the whole Conveyance, or to expede and record a Notarial Instrument thereon, as after provided, in the same Manner as if the Conveyance had contained no such Clause of Direction; and where such Notarial Instrument shall be expede no Part or Parts of the Conveyance directed to be recorded shall be omitted from such Instrument.

Several Lands conveyed by the same Deed may be comprehended under One general Name.

13. Where several Lands are comprehended in One Conveyance in favour of the same Person or Persons, it shall be competent to insert a Clause in the Conveyance, declaring that the whole Lands conveyed and therein particularly described shall be designed and known in future by One general Name to be therein specified; and on the Conveyance containing such Clause, whether dated before or after the Commencement of this Act, or on an Instrument following thereon, whether dated before or after the Commencement of this Act, and containing such particular Description and Clause, being duly recorded in the appropriate Register of Sasines, it shall be competent in all subsequent Conveyances and Deeds and Discharges, of or relating to such several Lands, to use the general Name specified in such Clause as the Name of the several Lands declared by such Clause to be comprehended under it; and such subsequent Conveyances and Deeds and Discharges of or relating to such several Lands under the general Name so specified shall be as effectual in all respects as if the same contained a particular Description of each of such several Lands, exactly as the same is set forth in such recorded Conveyance or Instrument: Provided always, that Reference be made in such subsequent Conveyances and Deeds and Discharges to a prior Conveyance or Instrument recorded as aforesaid, in which such particular Description and Clause are contained: Provided also, that it shall not be necessary in such Clause to comprehend under

under One general Name the whole Lands contained in the Conveyance in which such Clause is inserted, but that it shall be competent to comprehend certain Lands under one general Name and certain other Lands under another general Name, it being clearly specified what Lands are comprehended under each general Name; and such Reference shall be in or as nearly as may be in the Terms set forth in Schedule (G.) hereunto annexed.

Certain Clauses in Entails no longer necessary.

14. Where a Deed of Entail contains an express Clause authorizing Registration of the Deed in the Register of Tailzies, it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession, and irritant and resolutive Clauses, or any of them; and such Clause of Registration contained in any Deed of Entail of Lands not held by Burgage Tenure dated on or after the First Day of *October* One thousand eight hundred and fifty-eight, or of Lands held by Burgage Tenure dated on or after the Tenth Day of *October* One thousand eight hundred and sixty, shall have in every respect the same Operation and Effect as if such Clauses of Prohibition, and such irritant and resolutive Clauses, had been inserted in such Deed of Entail, any Law or Practice to the contrary notwithstanding.

Instrument of Sasine no longer necessary, but Conveyance may be recorded instead.

15. It shall not be necessary towards obtaining Infeftment in Land to expede and record in the Case of Lands not held by Burgage Tenure an Instrument of Sasine, or, in the Case of Lands held by Burgage Tenure, an Instrument of Resignation and Sasine, on any Conveyance or Deed of or relating to such Lands, but it shall be competent and sufficient for the Person or Persons in whose Favour the Conveyance or Deed has been or shall be granted or conceived, instead of expeding and recording such Instrument of Sasine or of Resignation and Sasine, to record the Conveyance or Deed itself in the appropriate Register of Sasines; and the Conveyance or Deed being presented for Registration in such Register, with a Warrant of Registration thereon, in or as nearly as may be in the Form No. 1. of Schedule (H.) hereto annexed, and being so recorded along with such Warrant, shall have the same legal Force and Effect in all respects as if the Conveyance or Deed so recorded had been followed by an Instrument of Sasine in the Case of Lands not held by Burgage Tenure, or, in the Case of Lands held by Burgage Tenure, by an Instrument of Resignation and Sasine expede in favour of the Person on whose Behalf the Conveyance or Deed is presented for Registration, and recorded in the appropriate Register of Sasines, at the Date of recording the said Conveyance or Deed; and where it is desired to give Investiture *propriis manibus*, it shall be competent for the Person in whose Favour the Conveyance or Deed has been or shall be granted or conceived to record the Con-

Conveyance or Deed itself in the Register of Sasines applicable to the Lands therein contained, with a Warrant of Registration thereon in or as nearly as may be in the Form of No. 3 of Schedule (H.) hereto annexed, signed by such Person, and such Conveyance or Deed being so recorded along with such Warrant shall have the same legal Force and Effect in all respects as if the Conveyance or Deed so recorded had been followed by an Instrument of Sasine, or of Resignation and Sasine *propriis manibus* expede in favour of the Wife of such Person and signed by such Person, and recorded at the Date of recording the said Conveyance or Deed according to the Law and Practice heretofore in force.

Mode of expeding Sasine in Lands holden Burgage.

16. It shall not be necessary towards obtaining Infeftment in Lands holden by Burgage Tenure upon any Conveyance or Deed of or relating to such Lands that the Person or a Procurator for the Person obtaining Infeftment shall appear before the Provost or some One of the Bailies of the Burgh in which such Lands are situated, and resign the same into his Hands as into the Hands of Her Majesty, and for such Provost or Bailie to give Sasine to such Person or Procurator, nor shall it be necessary to proceed to the Ground of the Lands, or to the Council Chamber of the Burgh, or to use any Symbol of Resignation or Sasine; and, notwithstanding the Provisions of the immediately preceding Section of this Act, it shall be lawful and competent to resign and obtain Infeftment in such Lands by presenting to any Notary Public such Conveyance or Deed and other necessary Warrants, and by such Notary Public giving Sasine therein by subscribing and recording an Instrument in the Form and Manner herein-after mentioned; and the Instrument of Sasine, or of Resignation and Sasine, following on such Conveyance or Deed, may be expressed in the Form or as nearly as may be in the Form of Schedule (I.) hereto annexed, and shall be authenticated in the Manner shown in such Schedule; and such Sasine, or Resignation and Sasine, and such Instrument following thereon, shall be as valid and effectual as if the same had been made and received and given and expressed in the Mode and Form in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, and that notwithstanding of an Act of the *Scottish* Parliament passed in the Year One thousand five hundred and sixty-seven, or any other Act of Parliament now in force to the contrary; and every such Instrument of Sasine, or of Resignation and Sasine, and every similar Instrument of Sasine, or of Resignation and Sasine expede in virtue of the Provisions of the Act Tenth and Eleventh of the Reign of Her present Majesty, Chapter Forty-nine, shall be recorded in manner in use prior to the said Thirtieth Day of *September*

tember One thousand eight hundred and forty-seven, with regard to Instruments of Resignation and Sasine in Burgage Property, and the Town Clerks of Cities and Burghs are hereby required to register the same accordingly; and such Instruments of Sasine, or of Resignation and Sasine, being so recorded, shall in all respects have the same Effect at the Date of such recording as if Resignation had been made and accepted, and Sasine had been given, and an Instrument of Sasine, or of Resignation and Sasine, had been expede in favour of the Person so obtaining Infeftment, and had been recorded, in the appropriate Register of Sasines, according, to the Law and Practice in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven.

Not necessary to record the whole Conveyance or Discharge.

17. Where it is not desired to record in the Register of Sasines the whole of a Conveyance or Deed, or the whole of a Discharge, of or relating to Lands, it shall be competent and sufficient to expede and record in the appropriate Register of Sasines a Notarial Instrument setting forth generally the Nature of the Conveyance or Deed or Discharge, and containing those Portions of the same by which the Lands are conveyed or discharged, and by which Real Burdens, Conditions, Provisions, or Limitations are imposed or discharged; and where by any Conveyance or Deed or Discharge separate Lands or separate Interests in the same Lands are conveyed or discharged in favour of the same or different Persons, it shall not be necessary to record the whole of such Conveyance or Deed or Discharge, but it shall be competent and sufficient to expede and record as aforesaid a Notarial Instrument, setting forth generally the Nature of the Conveyance or Deed or Discharge, and containing the Part or Parts of the Conveyance or Deed or Discharge by which particular Lands are conveyed or discharged in favour of the Person or Persons in whose Favour the Notarial Instrument is expede, and the Part of the Conveyance or Deed or Discharge which specifies the Nature and Extent of the Right and Interest of such Person or Persons, with the Real Burdens, Conditions, Provisions, and Limitations, if any; and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (J.) hereto annexed; and upon such Notarial Instrument or any similar Notarial Instrument expede in virtue of any of the Acts of Parliament hereby repealed being so recorded, the Person or Persons in whose Favour the same has been or shall be expede and so recorded shall be in the same Position as if, at the Date of such recording, the Conveyance or Deed or Discharge on which it proceeds, along with a Warrant of Registration thereon, had been recorded in the appropriate Register of Sasines in favour of such Person or Persons.

18. It

Instrument of Resignation ad remanentiam unnecessary, but in place thereof Conveyance in favour of Superior may be recorded.

18. It shall not be necessary to expede and record an Instrument of Resignation *ad remanentiam* on any Procuratory of Resignation *ad remanentiam*, or on any Conveyance containing an express Clause of Resignation *ad remanentiam*, but it shall be competent and sufficient for the Superior in whose Favour the Resignation under such Procuratory or Conveyance is authorized to be made to record in the appropriate Register of Sasines such Procuratory or Conveyance, with a Warrant of Registration thereon in the Form, or as nearly as may be in the Form No. 1. of Schedule (H.) hereto annexed, or to expede and record a Notarial Instrument as nearly as may be in the Form of Schedule (J.) hereto annexed; and such Procuratory or Conveyance and Warrant, or such Notarial Instrument, being so recorded, shall have the same Effect as if, at the Date of such recording, an Instrument of Resignation *ad remanentiam* in favour of the Party on whose Behalf the same is so recorded had been expede on such Procuratory or Conveyance, and had been recorded in the appropriate Register of Sasines: Provided always, that nothing herein contained shall prevent an Instrument of Resignation *ad remanentiam* being expede and recorded on a Conveyance granted prior to the First Day of *October* One thousand eight hundred and fifty-eight, and containing a Clause of Resignation in the Form authorized by the Act of the Tenth and Eleventh *Victoria*, Chapter Forty-eight; and that all Instruments of Resignation *ad remanentiam* may be in or as nearly as may be in the Form of Schedule (K.) hereto annexed; and when in such Form, whether expede before or after the Commencement of this Act, the same may, with Warrant of Registration thereon, be recorded in the appropriate Register of Sasines at any Time during the Life of the Party in whose Favour the Resignation is made, and the Date of Presentment and Entry set forth on any Instrument of Resignation in such Form by the Keeper of the Register shall be the Date of the Resignation and of the Instrument.

Notarial Instruments in favour of general Disponees.

19. Where a Person shall have granted or shall grant a general Disposition of his Lands, whether by Conveyance *mortis causa* or *inter vivos*, or by a Testamentary Deed or Writing within the Sense and Meaning of the Twentieth and Twenty-first Sections of this Act, and whether such general Disposition shall extend to the whole Lands belonging to the Grantor, or be limited to particular Lands belonging to him, with or without full Description of such Lands, and whether such General Disposition shall contain or shall not contain a Procuratory or Clause of Resignation, or a Precept of Sasine, or an Obligation to infeft, or a Clause expressing the Manner of holding, it shall be competent to the Grantee under such general Disposition

Disposition to expede and record in the appropriate Register of Sasines a Notarial Instrument in or as nearly as may be in the Form of Schedule (L.) hereto annexed; and on such Notarial Instrument or any similar Notarial Instrument expede in virtue of any Act of Parliament hereby repealed being so recorded, such Grantee shall be in all respects in the same Position as if a Conveyance of the Lands contained in such Notarial Instrument had been executed in his Favour by the Grantor of the general Disposition, to be holden, in the Case of Lands not held by Burgage Tenure, by such Manner of holding, if any, as is expressed in the general Disposition, and if no particular Manner of holding is therein expressed, then to be holden in the Manner and to the Effect, and subject to the Provisions enacted and provided in the Sixth Section of this Act in the Case of Conveyances in which no Manner of holding is expressed, and in the Case of Lands held by Burgage Tenure to be holden of Her Majesty in Free Burgage, and as if such Conveyance had been followed, where such Lands are not held by Burgage Tenure, by an Instrument of Sasine of the said Lands in favour of such Grantee, or, where they are held by Burgage Tenure, by an Instrument of Resignation and Sasine thereof in his Favour expede and recorded in the appropriate Register of Sasines at the Date of recording such Notarial Instrument: Provided always, that where such Notarial Instrument shall be expede by a Person other than the original Grantee under such general Disposition, it shall set forth the Title or Series of Titles by which the Person in whose Favour it is expede acquired Right to such general Disposition, and the Nature of his Right.

De præsenti Words, or Words of Style, unnecessary in mortis causa Deeds.

20. From and after the Commencement of this Act it shall be competent to any Owner of Lands to settle the Succession to the same in the event of his Death, not only by Conveyances *de præsenti*, according to the existing Law and Practice, but likewise by Testamentary or *mortis causa* Deeds or Writings, and no Testamentary or *mortis causa* Deed or Writing purporting to convey or bequeath Lands which shall have been granted by any Person alive at the Commencement of this Act, or which shall be granted by any Person after the Commencement of this Act, shall be held to be invalid as a Settlement of the Lands to which such Deed or Writing applies, on the Ground that the Grantor has not used, with reference to such Lands, the Word "dispone," or other Word or Words importing a Conveyance *de præsenti;* and where such Deed or Writing shall not be expressed in the Terms required by the existing Law or Practice for the Conveyance of Lands, but shall contain with reference to such Lands any Word or Words which would, if used in a Will or Testament with reference to Moveables, be sufficient to confer upon

upon the Executor of the Grantor, or upon the Grantee or Legatee of such Moveables, a Right to claim and receive the same, such Deed or Writing, if duly executed in the Manner required or permitted in the Case of any Testamentary Writing by the Law of *Scotland*, shall be deemed and taken to be equivalent to a General Disposition of such Lands within the Meaning of the Nineteenth Section hereof by the Grantor of such Deed or Writing in favour of the Grantee thereof, or of the Legatee of such Lands, and shall be held to create and shall create in favour of such Grantee or Legatee an Obligation upon the Successors of the Grantor of such Deed or Writing to make up Titles in their own Persons to such Lands and to convey the same to such Grantee or Legatee; and it shall be competent to such Grantee or Legatee to complete his Title to such Lands in the same Manner and to the same Effect as if such Deed or Writing had been such a general Disposition of such Lands in favour of such Grantee or Legatee, and that either by Notarial Instrument or in any other Manner competent to a General Disponee: Provided always, that nothing herein contained shall be held to confer any Right to such Lands on the Successors of any such Grantee or Legatee who shall predecease the Grantor, unless the Deed or Writing shall be so expressed as to give them such Right in the event of the Predecease of such Grantee or Legatee.

Trustee or Executor to apply Lands for Purposes of Trust or Will.

21. Where such Testamentary or *mortis causa* Deed or Writing shall be conceived in favour of a Grantee as Trustee or Executor of the Grantor, and shall not be expressed to be wholly in favour of such Trustee or Executor for his own Benefit, such Trustee or Executor shall apply such whole Lands for the Purposes specified in such Deed or Writing; and where such Purposes cannot, in whole or in part, be carried into effect, or where no Purposes with reference to such Lands have been or shall be specified in such Deed or Writing, such Trustee or Executor shall convey such Lands, or so much thereof, or shall apply so much of the Proceeds thereof, if such Lands shall have been sold and realized by him, as may not be required for the Purposes of such Deed or Writing, to or for behoof of the Person or the Successors of the Person who, but for the passing of this Act and the granting of such Deed or Writing, would have been entitled to succeed to such Lands on the Death of such Grantor.

Assignations to unrecorded Conveyances.

22. It shall be competent to any Person having Right to an unrecorded Deed or Conveyance, whether granted in favour of himself or originally granted in favour of another Person, to assign the Deed or Conveyance in or as nearly as may be in the Form No. 1. of Schedule (M.) to this Act annexed, setting forth the Deed or Conveyance,

ance, and the Title or Series of Titles, if any, by which he acquired Right to the same, and the Nature of the Right assigned; and the Assignation, or, in the event of there being more than One, the successive Assignations, may be recorded in the appropriate Register of Sasines along with the Deed or Conveyance itself, and a Warrant of Registration thereon, in or as nearly as may be in the Form No. 2. of Schedule (H.) hereto annexed; and it shall be competent to write the Assignation or Assignations on the Deed or Conveyance itself, in or as nearly as may be in the Form No. 2. of Schedule (M.) hereto annexed, setting forth the Deed or Conveyance and the Title or Series of Titles, if any, by which such Person acquired Right to the same, and the Nature of the Right assigned; in which Case the Assignation or Assignations and the Deed or Conveyance may be so recorded along with the Warrant of Registration thereon, which Warrant shall be in or as nearly as may be in the Form No. 1. of Schedule (H.) hereto annexed; and the Deed or Conveyance, with the Warrant of Registration, and the Assignation or Assignations, separate from the Deed or Conveyance, and those written upon the Deed or Conveyance, if any, and all similar Assignations granted before the Commencement of this Act, being so recorded, shall operate in favour of the Assignee on whose Behalf they are presented for Registration, as fully and effectually as if the Lands contained in the Assignation, or, if there be more than One, in the last Assignation, had been disponed by the original Deed or Conveyance in favour of such Assignee, and the Deed or Conveyance, with the Warrant of Registration, had been recorded, in the Manner herein-before provided, of the Date of recording such Deed or Conveyance and Assignation or Assignations; and all Deeds or Conveyances with a Warrant of Registration and Assignation or Assignations written thereon, that may have been so recorded before the Commencement of this Act, shall operate in favour of the Assignees on whose Behalf the same shall have been so recorded, as effectually as is herein-before provided in regard to a recorded Deed or Conveyance with a Warrant of Registration and Assignation or Assignations written thereon, notwithstanding that such Assignation or Assignations may not have been docqueted with reference to such Warrant, or referred to therein as being so docqueted.

Notarial Instruments in favour of Parties acquiring Rights to unrecorded Conveyances.

23. It shall be competent to any Person having Right to an unrecorded Deed or Conveyance originally granted in favour of another Person to expede a Notarial Instrument, in or as nearly as may be in the Form of Schedule (N.) hereto annexed, setting forth the Deed or Conveyance and the Title or Series of Titles by which he acquired Right to the same, and the Nature of his Right, and

to record the Deed or Conveyance, with Warrant of Registration thereon, in the Form or as nearly as may be in the Form of No. 2. of Schedule (H.) hereto annexed, and also the Notarial Instrument, in the appropriate Register of Sasines; or where it is not desired to record the whole of the Deed or Conveyance, it shall be competent to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (J.) hereto annexed, setting forth generally the Nature of the Deed or Conveyance, and containing those Portions of the Deed or Conveyance by which the Lands in regard to which the said Instrument is expede are conveyed, and by which Real Burdens, Conditions, Provisions, or Limitations, if any, are imposed, and also setting forth the Title or Series of Titles by which the Party acquired Right to the Deed or Conveyance, and to record such Notarial Instrument in the appropriate Register of Sasines; and on the Deed or Conveyance, with such Warrant of Registration thereon, and such Notarial Instrument in the Form of the said Schedule (N.), or any similar Deed or Conveyance with Warrant of Registration and Notarial Instrument expede in virtue of any Act of Parliament hereby repealed, being so recorded, or on such Notarial Instrument in the Form of the said Schedule (J.), or any similar Notarial Instrument expede in virtue of any Act of Parliament hereby repealed, being so recorded, the Person, in whose Favour the Deed or Conveyance and Instrument, or the Instrument, have or has been or shall be expede and so recorded, shall be in the same Position as if the original Deed or Conveyance had been granted to himself, and, along with a Warrant of Registration thereon, had been recorded in the Manner herein-before provided, of the Date of recording the Deed or Conveyance and Notarial Instrument or the Notarial Instrument.

Mode of completing Title by a Judicial Factor on a Trust Estate, &c.

24. Where, in a Petition to the Court of Session for the Appointment of a Judicial Factor, Authority has been or shall be asked for the Completion of a Title by such Factor to any Lands forming the whole or Part of the Estate to be managed by such Judicial Factor, or where a Judicial Factor has applied or shall apply, by Petition or Note to said Court, for Authority to complete a Title to such Lands, and where any Petition or Note has specified and described or shall specify and describe the Lands to which such Title is to be completed, or has referred or shall refer to the Description of the same, in the Form or as nearly as may be in the Form of Schedule (E.) hereto annexed, or of Schedule (G.) hereto annexed, as the Case may be, the Warrant granted for completing such Title shall also so specify and describe the Lands to which such Title is to be completed, or shall so refer to the Description thereof; and such Warrant shall be held to be a Conveyance

veyance in due and common Form of the Lands therein specified in favour of such Judicial Factor granted by the Person, whether in Life or deceased, whose Estate is under Judicial Management, or granted, where such Judicial Factor has been or shall be appointed on a Trust Estate which shall have been vested in a Trustee or former Judicial Factor, by such Trustee or former Factor, whether in Life or deceased, for the Purposes of such Trust, to be holden in the Case of Lands not held by Burgage Tenure in the Manner and to the Effect, and subject to the Provisions enacted and provided in the Sixth Section of this Act in the Case of Conveyances in which no Manner of holding is expressed, and in the Case of Lands held by Burgage Tenure to be holden of Her Majesty in Free Burgage; and such Warrant may, with Warrant of Registration thereon, be recorded in the appropriate Register of Sasines as a Conveyance in favour of such Judicial Factor, and being so recorded shall have the same Force and Effect as if at the Date of such recording such Conveyance had been granted to the Judicial Factor, and recorded in the appropriate Register of Sasines: Provided always, that for enabling the Person in whom such Lands were last vested, or his Representatives, or other Parties interested, to bring forward competent Objections against such Warrant being granted, or Claims upon the Estate, the Court shall order such Intimation and Service of the Petition or Note as to them shall seem proper: Declaring always, that the whole Enactments and Provisions herein contained shall extend and apply to all Petitions to and Warrants by the Court of Session under "The Trusts (*Scotland*) Act, 1867," unless in so far as such Provisions and Enactments may be inapplicable to the Form or Objects of such Petitions or Warrants.

Mode of completing Title by a Trustee in Sequestration, and by Liquidators of Joint Stock Companies.

25. It shall be competent to a Trustee on a sequestrated Estate, or to Liquidators, official or voluntary, appointed for the Purpose of winding up a Joint Stock Company, to expede a Notarial Instrument, setting forth the Act and Warrant of Confirmation in favour of such Trustee, or the Appointment of such Liquidators, official or voluntary, respectively, and specifying the Lands belonging to the Bankrupt or Company to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt or Company, in or as nearly as may be in the Form of Schedule (O.) hereto annexed, and when the Lands consist of Heritable Securities by a Notarial Instrument in or nearly as may be the Form of Schedule (LL.) hereto annexed, and to record such Notarial Instrument in the appropriate Register of Sasines; and on such Notarial Instrument or any similar Notarial Instrument expede in virtue of any Act of Parliament hereby repealed being so recorded, the Trustee or Liquidators in whose Favour the same shall have been

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or shall be so recorded shall be held to be in all respects in the same Position as if the Bankrupt or Company, or any previous Trustee or Liquidator had granted a Conveyance of the Lands contained in the Notarial Instrument in favour of such Trustee or such Liquidators, to be holden in the Case of Lands not held by Burgage Tenure in the Manner and to the Effect, and subject to the Provisions enacted and provided in Section Sixth hereof in the Case of Conveyances where no manner of Holding is expressed, and in the Case of Lands held by Burgage Tenure to be holden of Her Majesty in Free Burgage, and as if such Conveyance had been recorded or followed by an Instrument of Sasine, or of Resignation and Sasine, or Notarial Instrument, in favour of such Trustee or of such Liquidators, duly expede and recorded in the appropriate Register of Sasines at the Date of recording such Notarial Instrument.

Heritable Property conveyed for religious or educational Purposes to vest in Disponees or their Successors.

26. Wherever Lands have been or may hereafter be acquired by any Congregation, Society, or Body of Men associated for Religious Purposes, or for the Promotion of Education, including the General Assemblies, Synods, and Presbyteries of the Established Church of *Scotland*, and of all other Presbyterian Churches in *Scotland*, as a Chapel, Meeting House, or other Place of Worship, or as a Manse or Dwelling House for the Minister of such Congregation or Society or Body of Men, or Offices, Garden, or Glebe for his Use, or as a Schoolhouse or Schoolmaster's House, Garden, or Playground, or as a College, Academy, or Seminary, or as a Hall or Rooms for meeting for the Transaction of Business, or as Part of the Property belonging to such Congregation, Society, or Body of Men, and wherever the Conveyance or Lease of such Lands has been or may be taken in favour of the Moderator, Minister, Kirk Session, Vestrymen, Deacons, Managers, or other Office Bearers or Office Bearer of such Congregation or Society or Body of Men, or any of them, or of Trustees appointed or to be from Time to Time appointed, or of any Party or Parties named in such Conveyance, or Lease in Trust for behoof of the Congregation or Society or Body of Men, or of the Individuals comprising the same, such Conveyance, when recorded with Warrant of Registration thereon in Terms of this Act, or when followed by Notarial Instrument expede, and with Warrant of Registration thereon recorded in Terms of this Act, or such Lease, shall not only vest the Party or Parties named therein in the Lands, thereby feued, conveyed, or leased, but shall also, after the Death or Resignation or Removal from Office of such Party or Parties, or any of them, effectually vest their Successors in Office for the Time being chosen and appointed in the Manner provided or referred to in such Conveyance or Lease, or if no Mode of Appointment be therein set forth or prescribed, then

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in Terms of the Rules or Regulations of such Congregation or Society or Body of Men, in such Lands, subject to such and the like Trusts and with and under the same Powers and Provisions as are contained or referred to in the Conveyance or Lease given and granted to the Parties Disponees or Lessees therein, and that without any Transmission or Renewal of the Investiture whatsoever, anything in such Conveyance or Lease contained to the contrary notwithstanding: And the Provisions of this Section shall apply also to all Trusts for the Maintenance, Support, or Endowment of Ministers of Religion, Missionaries, or Schoolmasters, or for the Maintenance of the Fabric of Churches, Chapels, Meeting Houses, or other Places of Worship, or of Manses or Dwelling Houses or Offices for Ministers of the Gospel, or of Schoolhouses or Schoolmasters Houses, or other like Buildings.

Services to proceed by Petition to the Sheriff.

27. From and after the Commencement of this Act it shall not be competent to issue Brieves from Chancery for the Service of Heirs, or for any Person to obtain himself served Heir by virtue of any such Brieve, or otherwise than according to the Provisions of this Act; and every Person desirous of being served Heir to a Person deceased, whether in general or in special, and in whatsoever Character, and whether the Lands which belonged to such Person deceased were held by Burgage Tenure, or were not held by Burgage Tenure, shall present a Petition of Service to the Sheriff in manner herein-after set forth.

Petition to be presented to the Sheriff of the County or to the Sheriff of Chancery.

28. In every Case in which a General Service only is intended to be carried through, such Petition shall be presented to the Sheriff of the County within which the Deceased had at the Time of his Death his ordinary or principal Domicile, or, in the Option of the Petitioner, to the Sheriff of Chancery, and if the Deceased had at the Time of his Death no Domicile within *Scotland*, then in every such Case to the Sheriff of Chancery; and in every Case in which a special Service is intended to be carried through, such Petition shall be presented to the Sheriff within whose Jurisdiction the Lands or the Burgh containing the Lands in which the deceased Person died last vest and seised are situated, or, in the Option of the Petitioner, to the Sheriff of Chancery, and in the event of the Lands being situated in more Counties than one, or in more Burghs than one if such Burghs are in different Counties, then in every such Case to the Sheriff of Chancery.

Nature and Form of Petition.

29. Every Petition for Service shall be subscribed by the Petitioner, or by a Mandatory specially authorized for the Purpose, and shall be in the Form, or as nearly as may be in the Form, of one

or other of the Schedules (P.) and (Q.) hereunto annexed, and shall, under the Exceptions after mentioned, set forth the Particulars which, according to the Law and Practice existing prior to the Fifteenth Day of *November* One thousand eight hundred and forty-seven, had been in use to be set forth with reference to a Service sought to be carried through in any Claim presented to a Jury summoned under a Brieve of Inquest, and shall pray the Sheriff to serve the Petitioner accordingly: Provided always, that it shall not be necessary in such Petition to set forth in any Case the Value of the Lands either according to new or old Extent, or the valued Rent thereof, or of whom the Lands are held, or by what Service or Tenure they are held, or in whose Hands the same have been since the Death of the Ancestor, or whether or how long the same have been in Non-entry, or that the Petitioner is of lawful Age, or that the Ancestor died at the Faith and Peace of the Sovereign, but that in setting forth the Death of the Ancestor there shall also be set forth the Date at or about which the said Death took place, and in cases of General Service, except as herein-after provided, the County or Place in which the Deceased at the Time of his Death had his ordinary or principal Domicile, and that in every Case in which the Petitioner claims to be served Heir of Provision, or of Taillie and Provision, whether in general or special, the Deed or Deeds under which he so claims shall be distinctly specified.

Services not to proceed till Publication be made.

30. When any Petition of Service shall be presented to the Sheriff of any County the Service shall not proceed until Publication shall be made in such County, nor until the Sheriff Clerk of the County shall have received from the Sheriff Clerk of Chancery official Notice that Publication has been made edictally in *Edinburgh;* and when such Petition shall be presented to the Sheriff of Chancery the Service shall not proceed until Publication shall have been made edictally in *Edinburgh*, nor until the Sheriff Clerk of Chancery shall have received official Notice that Publication has been made in the County of the Domicile of the Party deceased, when such Domicile was within *Scotland*, or the County or Counties in which the Lands are situated, as the Case may be; and the edictal Publication in *Edinburgh* shall be at the Office of the Keeper of Edictal Citations in the General Register Office, and in the same Mode and Form as in Edictal Citations; and in the County of the Domicile, and in the County or Counties where the Lands are situated, by affixing on the Doors of the Court-house, or in some conspicuous Place of the Court or of the Office of the Sheriff Clerk of the County, as the Sheriff may direct, a short Abstract of the Petition, and there shall be no farther Publication; and the Form of such Abstract, and the Mode or Form of the official

official Notice of such Publications, shall be those fixed and declared by the Court of Session, by Act of Sederunt, in virtue of the Powers herein-after mentioned.

Caveats to be received.

31. The Sheriff Clerk shall be bound to receive any Caveat against any Petition of Service to be presented to him, and on the Receipt of the Petition of Service referred to in the Caveat, or of any official Notice of any such Petition which may be communicated to such Sheriff Clerk, such Sheriff Clerk shall within Twenty-four Hours thereafter write and put into the Post Office a Notice of such Petition, addressed either to the Agent by whom or to the Person on whose behalf the Caveat is entered as may be desired in such Caveat, and according to the Name and Address which shall be stated in such Caveat, the Sheriff Clerk receiving therefor a Fee for his own Use of such Amount as shall be fixed by Act of Sederunt as aforesaid.

Petition of Service to be equivalent to a Brieve and Claim.

32. A Petition of Service so presented shall, after Expiration of the Period herein-after mentioned, be equivalent to and have the full legal Effect of a Brieve of Service duly executed, and of a Claim duly presented to the Inquest, according to the Law and Practice existing prior to the Fifteenth Day of *November* One thousand eight hundred and forty-seven; and every Petition of Service, without further Publication than is herein provided and has been or may be directed by Act of Sederunt, shall be held as duly published to all Parties interested, and the Decree to follow upon such Petition shall not be questionable or reducible upon the Ground of Omission or Inaccuracy in the Observance by any Officer or official Person of any of the Forms or Proceedings herein prescribed, or which have been or shall be prescribed by Act of Sederunt made in relation to Petitions of Service.

Procedure before the Sheriff, and the Effect of his Judgment.

33. In regard to all Petitions of Service presented to the Sheriff of Chancery or to the Sheriff of a County respectively, where the deceased died in *Scotland*, no Evidence shall be led and no Decree pronounced thereon by such Sheriff until after the Lapse of Fifteen Days from the Date of the latest Publication, or where Publication is to be made in *Orkney* or *Shetland*, or the Petition is presented to the Sheriff of *Orkney* or *Shetland*, until after the Lapse of Twenty Days from such Date; and in regard to all Petitions of Service to be presented to the Sheriff of Chancery where the Deceased died abroad, no Evidence shall be taken and no Decree pronounced thereon by him until after the Lapse of Thirty Days from such Date; and it shall be lawful, after the Lapse of the Times respectively above mentioned, to the Sheriff to whom such Petition of Service shall have been presented, by himself,

himself, or by the Provost or any of the Bailies of any City or Royal or Parliamentary Burgh, or by any Justice of the Peace for any Part of the United Kingdom wherever such Justice of the Peace may happen to be for the Time, whether within the United Kingdom or Abroad, or by any Notary Public, all of whom are hereby authorized to act as Commissioners of such Sheriff without special Appointment, or by any Commissioner whom such Sheriff may appoint, to receive all competent Evidence, documentary and parole, and any parole Evidence so received shall be taken down in Writing according to the Practice in the Sheriff Courts of *Scotland* existing prior to the First Day of *November* One thousand eight hundred and fifty-three, and a full and complete Inventory of the Documents produced shall be made out, and shall be certified by the Sheriff or his Commissioner aforesaid; and on considering the said Evidence the Sheriff shall, without the Aid of a Jury, pronounce Decree, serving the Petitioner in Terms of the Petition, in whole or in part, or refusing to serve the said Petitioner, and dismissing the Petition, in whole or in part, as shall be just; and the said Decree shall be equivalent to and have the full legal Effect of the Verdict of the Jury under the Brieve of Inquest according to the Law and Practice existing prior to the said Fifteenth Day of *November* One thousand eight hundred and forty-seven.

Case where Domicile of Party is unknown.

34. Where a General Service only is intended to be carried through by an Heir, it shall not be necessary, if the Deceased died upwards of Ten Years prior to the Date of presenting the Petition for General Service as Heir to him, to state or prove the County within which the Deceased had his ordinary or principal Domicile at the Time of his Death, or that such Domicile was furth of *Scotland;* but in such Cases it shall be sufficient (so far as regards the Domicile of the Deceased) for the Heir to state in his Petition, and if required in the Court of Service to make Oath, that he is unable to prove at what Place the Deceased had his ordinary or principal Domicile at the Time of his Death: Provided always, that in every such Case and in every Case of General Service where it is doubtful in what County the Deceased had his ordinary or principal Domicile, the Petition for General Service as Heir to the Deceased shall be dealt with, and all relative Procedure shall be regulated, in or as nearly as may be in the same Manner as if it had been proved that the Deceased had at the Time of his Death his ordinary or principal Domicile furth of *Scotland.*

Competing Petition may be presented,

35. It shall be lawful to any Person who may conceive that he has a Right to be served preferable to that of the Person petitioning the

the Sheriff as aforesaid, also to present a Petition of Service to the Sheriff in manner and to the Effect aforesaid, and the same shall be proceeded with in manner herein-before directed; and it shall be lawful to the Sheriff, if he shall see Cause, at any Time before pronouncing Decree in the first Petition, to sist Procedure on the first Petition in the meantime, or to conjoin the said Petitions, and thereafter to proceed to receive Evidence in manner herein-before directed, allowing each of the Parties not only a Proof in chief with reference to his own Claim, but a conjunct Probation with reference to the Claims of such other Parties; and the Sheriff shall, after receiving the Evidence, pronounce Decree on the said Petitions, serving or refusing to serve as may be just, and shall at the same Time dispose of the Matter of Expenses; and when the Accounts thereof shall be audited and taxed in manner after provided, such Sheriff shall decern for the same.

and Sheriff, after receiving Evidence, give Judgment.

36. On the Application of the Petitioner in whose Favour a Decree shall have been pronounced by the Sheriff, the Sheriff Clerk shall forthwith transmit to the Office of the Director of Chancery the Petition on which such Decree was pronounced, together with such Decree, the Proof taken down in Writing as aforesaid, and the Inventories of written Documents made up and certified as aforesaid, and also all other Parts or Steps of the Process, excepting any original Documents or Extracts of recorded Writs produced therewith, which after Decree is pronounced shall be returned, on Demand, to the Parties producing the same; and on the Proceedings being so transmitted to Chancery such Decree shall be recorded by the Director of Chancery, or his Depute, in the Manner and Form directed or approved of or to be directed or approved of from Time to Time by the Lord Clerk Register; and on such Decree being so recorded the Director of Chancery, or his Depute, shall prepare an authenticated Extract thereof, and, where such Decree shall have been pronounced by the Sheriff of Chancery, shall deliver such Extract to the Party or his Agent, and in all other Cases shall transmit such Extract without Delay, and without Charge or Expense against the Party in respect of the Transmission and Re-transmission, to the Sheriff Clerk of the County to be by him delivered to the Party or his Agent in the Sheriff Court; and such Proceedings and Decree shall, both prior and subsequent to the said Transmission, be at all Times patent and open to Inspection in the Office of the Sheriff Clerk and of the Director of Chancery respectively; and certified Copies shall be given to any Party demanding the same, on Payment of such Fees as shall be fixed by Act of Sederunt as aforesaid; and in Cases where an Heir is served to an Ancestor in several separate Lands

Recording and Extract of Judgment.

or Estates under the same Petition, it shall be competent for such Heir to obtain separate Extract Decrees under the said Petition applicable to One or more of such Parcels of Lands or separate Estates, provided a Prayer to that Effect is inserted in the Petition for Service.

The Extract Decree to be equivalent to an Extract Retour.

37. The Decree of Service so recorded and extracted shall have the full legal Effect of a Service duly retoured to Chancery, and shall be equivalent to the Retour of a Service under the Brieve of Inquest according to the Law and Practice existing prior to the Fifteenth Day of *November* One thousand eight hundred and forty-seven; and the Extract of such Decree, or any second or later Extract thereof, under the Hand of the proper Officer entitled to make such Extracts for the Time, shall be equivalent to and have the full legal Effect of the certified Extract of the Retour formerly in use according to the Law and Practice existing prior to the said Fifteenth Day of *November* One thousand eight hundred and forty-seven; and the Decree of Service so recorded and extracted shall not be liable to Challenge, nor be set aside, except by a Process of Reduction to be brought before the Court of Session as heretofore in use with regard to Services duly retoured to Chancery.

Transmission of Records.

38. The Book or Books in Chancery in which such Decree shall be recorded as aforesaid shall be entitled the "Record of Services," and shall be the Book or Books presently in use as the "Record of Services" under the said recited Act Tenth and Eleventh of the Reign of Her present Majesty, Chapter Forty-seven, and such other Book or Books as shall be from Time to Time issued under the Direction and Authority of the Lord Clerk Register, for which no more than the prime Cost shall be charged; and it shall not be lawful for the Director of Chancery to use any other Book or Books in framing the said Records; and the said Book or Books shall have an Index or Abridgment connected therewith, to be prepared in Chancery in the Form and Manner at present in use, or in any other Form and Manner to be pointed out or approved of by the Lord Clerk Register; and such Index or Abridgment shall be completed as soon as possible after the End of each Year, and shall be printed and published, and printed Copies thereof shall be distributed and disposed of in the Manner at present in use, or in such other Manner as shall be directed or approved of by the Lord Clerk Register: Provided always, that if a more general Distribution or Publication of such Index or Abridgment than to the official Individuals to be fixed by the Lord Clerk Register shall be made, then and in that Case Copies of the Index or Abridgment aforesaid

aforesaid shall be sold to the Public at the lowest Rate which will defray the Expense of printing the same, and an Account of the Sums to be received shall be exhibited by the Director of Chancery, and be examined and audited along with his other Accounts; and such Index or Abridgment shall be so prepared, printed, and distributed at latest by the First Day of *July* in each Year, beginning with the Year One thousand eight hundred and sixty-nine; and the said Record of Services and other Proceedings shall be at all Times patent and open to Inspection in the Office of Chancery, on Payment of such a Fee as shall be regulated by Act of Sederunt as aforesaid, and Extracts from the said Record, or certified Copies of the said Proceedings, shall be given to any one demanding the same, on Payment of such Fees as shall be fixed by Act of Sederunt as aforesaid; and the Director of Chancery shall have the Power and is hereby required to direct and regulate the Sheriff Clerks in the several Counties and the Sheriff Clerk of Chancery in regard to the Manner of arranging and transmitting the Petitions of Service and Procedure thereon, and also to prepare and furnish to the Sheriff Clerks of the several Counties the requisite printed Forms of the Intimations to be sent by them through the Post Office to the Sheriff Clerk of Chancery when Petitions of Service shall be presented in their respective Courts, or when they shall have received Notice to publish Petitions that have been presented to the Sheriff of Chancery.

Clerks of Chancery to be remunerated for keeping Register, &c., by Act of Sederunt.

39. The Amount of the Remuneration to the Clerks of Chancery for keeping the Record of Services, and arranging the Warrants, and preparing the Indexes and Abridgments, shall be fixed by Act of Sederunt as aforesaid; and such Remuneration, together with the Expense of printing the Index or Abridgment aforesaid, shall be paid from the Fees collected in the Office of Chancery, and an Account thereof shall be exhibited by the Director of Chancery, and be examined and audited along with his other Accounts.

No Person entitled to oppose a Service who could not appear against a Brieve of Inquest.

40. No Person shall be entitled to appear and oppose a Service proceeding before the Sheriff in Terms of this Act who could not competently appear and oppose such Service if the same were proceeding under the Brieve of Inquest according to the Law and Practice existing prior to the Fifteenth Day of *November* One thousand eight hundred and forty-seven; and all Objections shall be presented in Writing, and shall forthwith be disposed of in a summary Manner by the Sheriff, but without Prejudice to the Sheriff, if he see Cause, allowing Parties to be heard *vivâ voce* thereon.

41. In

Appeal for Jury Trial.

41. In all Cases in which competing Petitions presented to the Sheriff in Terms of the last-recited Act or of this Act have been or shall be conjoined as aforesaid, or in which any Person has competently appeared or shall competently appear to oppose any Petition of Service presented to the Sheriff in Terms of the said recited Act or of this Act, it shall be competent to any of the Parties, at any Time before Proof is begun to be taken by the Sheriff in manner before provided, to remove the Proceedings to the Court of Session, by a Note of Appeal in or as nearly as may be in the Form of a Note of Appeal under the "Court of Session Act, 1868," which Note of Appeal shall be proceeded with in like Manner with Notes of Appeal presented with a view to Jury Trial against Judgments of the Sheriff Courts of *Scotland*, and such Judgment shall be pronounced on the said Note of Appeal as shall be just; and in the event of it appearing proper that the Cause should be tried by a Jury, the same shall be tried according to the Law and Practice in Trials by Jury of Causes in the Court of Session, and the Jury shall be chosen and summoned in like Manner as on such Trials; and the Verdict to be returned by the Jury shall be equally final and conclusive with the Verdicts returned in Trials by Jury in the said Court, but with all and the like Remedies by Bill of Exceptions, Motion for new Trial, or otherwise, competent in regard to such Verdicts: Provided always, that in every Case in which the Jury shall find a Verdict, or in which the Court shall pronounce a Judgment in favour of a Party petitioning to be served, the Court shall, at the same Time with applying such Verdict, or pronouncing such Judgment, remit to the Sheriff from whom the Cause was appealed, or before whom such Petitions or Petition would have depended if the same had not been advocated or appealed before the Commencement of this Act, with Instructions to pronounce a Decree serving the said Party in Terms of this Act, which Decree may thereafter be extracted, and the Extract thereof recorded and given out in manner and to the Effect before provided.

Where Sheriff refuses to serve Petitioner, &c., Judgment may be reviewed.

42. In every Case in which the Sheriff, acting under the said Act of the Tenth and Eleventh of Her Majesty Queen *Victoria*, Chapter Forty-seven, or under this Act, has pronounced or shall pronounce a Decree refusing to serve a Petitioner, or dismissing his Petition, or repelling the Objection of an opposing Party, it shall be lawful to bring the said Decree under Review of the Court of Session by a Note of Appeal, in or as nearly as may be in the Form of a Note of Appeal under the "Court of Session Act, 1868": Provided always, that such Note shall be presented within Fifteen, or, where the Proceedings have been taken in the Courts

Courts of *Orkney* or *Shetland*, Twenty Days from the Date of the said Judgment; and that where the Decree has been pronounced after Opposition duly entered or in competition, such Note shall be intimated to the opposite Party, and such Note shall be proceeded with in like Manner with Notes of Appeal against final Judgments of the Sheriff Courts; and it shall be competent to the Court of Session, if it shall appear necessary for the right Determination of the Cause, to allow further or additional Evidence to be taken in any Way or Form in which Evidence may be competently taken in ordinary Civil Causes depending before the said Court, or to appoint the Cause, or special Issues therein, to be tried by a Jury, and such Jury Trial shall proceed in the same Manner and to the like Effect and with all and the like Remedies as are before provided, and such Judgment shall be pronounced on such Note of Appeal as shall be just: Provided always, that in every Case in which the Sheriff has refused to serve, but in which the Court of Session shall determine that the Party ought to be served, a Remit shall be made to the Sheriff from whom such Petition has been or shall be appealed, or before whom the same, if not advocated or appealed before the Commencement of this Act, would have depended, with Instructions to pronounce a Decree serving the said Party in Terms of this Act, which Decree may be thereafter recorded and extracted in manner and to the Effect before provided: Provided also, that nothing herein contained shall prejudice the Right of any Person whose Petition of Service shall be refused without any opposing or competing Party having appeared and been heard on the Merits of the Competition, to present a new Petition at any Time thereafter, or the Right of either Party in any of the Proceedings authorized in the Court of the Sheriff, by this Act or the said Act of the Tenth and Eleventh of Her Majesty, Chapter Forty-seven, to bring under Challenge whatever Decree may have been or may be pronounced therein by Process of Reduction before the Court of Session on any competent Ground.

Procedure when a Decree of Service is brought under Reduction.

43. In every Case in which a Process of Reduction of any Decree of Service pronounced by any Sheriff acting under the said last-recited Act or this Act has been or shall be brought before the Court of Session, it shall be competent to the said Court, if it shall appear necessary for the right Determination of the Cause, either to allow further or additional Evidence to be taken in any Way or Form in which Evidence may be competently taken in ordinary Civil Causes depending before the said Court, or to appoint the Cause, or special Issues therein, to be tried by a Jury; and such Jury Trial shall proceed in the same Manner,

and to the like Effect, and with all and the like Remedies as are before provided in regard to Jury Trials under Notes of Appeal, and such Judgment shall be pronounced in the said Process as shall be just: Provided always, that wherever the Decree of the Sheriff brought under Reduction has proceeded on competing Petitions conjoined as aforesaid, and the Court of Session shall determine that a different Person shall be served from the Person preferred by the Sheriff, a Remit shall be made to the Sheriff acting under this Act before whom the said competing Petitions depended, or to the Sheriff before whom the same would have depended if the said Decree had not been pronounced before the Commencement of this Act, with Instructions to pronounce a Decree serving such different Person in Terms of this Act, which Decree may be thereafter recorded, and an Extract thereof given out in Manner and to the Effect above provided; and in any Case of Reduction of a Service the Judgment shall unless and until reversed by the House of Lords on Appeal be conclusive, as between the Parties to the Suit, against the Party whose Service is reduced, and shall have the same Effect as if the Action had contained a Conclusion of Declarator that the Party served was not entitled to be served in the Character claimed, and Judgment had been pronounced in Terms of that Conclusion.

Effect of the Decree of Reduction.

Forms and Effect of Procedure in the Court of Session.

44. All Proceedings authorized by the present Act to be taken in the Court of Session in reference to Appeals from the Sheriff or to Reduction of Decrees of Service shall commence and be carried on in the same Manner with Proceedings of the same Description in ordinary Civil Causes; and all Judgments to be pronounced by the Court of Session in such Proceedings in Terms of this Act, or in the corresponding Proceedings in Terms of the said last-recited Act, shall be equally final and conclusive as the Judgments pronounced by the said Court in ordinary Civil Causes, and shall not be liable to Review by Reduction or otherwise, save and except to such Extent and Effect as Judgments by the said Court in ordinary Civil Causes are so liable: Provided always, that it shall be competent to appeal against the said Judgments to the House of Lords in like Manner as against Judgments of the Court in ordinary Civil Causes aforesaid.

"Court of Session Act, 1868," to apply to Appeals and Reductions, &c. under this Act.

45. The whole Provisions of "The Court of Session Act, 1868," shall, in so far as possible, apply to Notes of Appeal and Processes of Reduction under this Act, and to all Advocations from the Sheriff and to all Processes of Reduction of Decrees of Service in Dependence in the Court of Session at the Commencement of this Act, and to all Advocations which may after the Commencement

of

of this Act come before the Inner House of the Court of Session by Report or Reclaiming Note from any Lord Ordinary; provided always, that the Advocations depending before the Outer House of said Court at the Commencement of this Act shall be disposed of in the Outer House according to the Law and Practice existing prior to the Commencement of the said "Court of Session Act, 1868."

A Decree of Special Service, besides operating as a Retour, shall have the Operation and Effect of a Disposition from the Deceased to his Heirs and Assignees.

46. On being recorded and extracted as aforesaid every Decree of Special Service pronounced in virtue of the said recited Act Tenth and Eleventh of the Reign of Her present Majesty, Chapter Forty-seven, in favour of any Person who shall be in Life at the passing of this Act, and every Decree of Special Service to be pronounced in virtue of this Act, shall, to all Intents and Purposes, unless and until reduced, be held equivalent to and have the full legal Operation and Effect of a Disposition in ordinary Form of the Lands contained in such Service, granted by the Person deceased being last feudally vest and seised in the said Lands to and in favour of the Heir so served, and to his other Heirs and Successors entitled to succeed under the Destination of the Lands contained in the Deceased's Investiture thereof, but under the whole Conditions and Qualifications of such Investiture as set forth or referred to in such extracted Decree, containing the various Clauses set forth in No. 1. of Schedule (B.) hereto annexed in the Case of Lands not held by Burgage Tenure, and in No. 2. of Schedule (B.) hereto annexed in the Case of Lands held by Burgage Tenure, although the deceased should have died in Nonage, or been of insane Mind, or laboured under any Disability whatever, and as if a Disposition had been granted in these Terms by the Deceased when of full Age and Capacity to grant it; and in the Case of Lands not held by Burgage Tenure, such extracted Decree shall infer that the same are to be holden in the Manner and subject to the Provisions enacted and provided in the Sixth Section of this Act in the Case of Conveyances in which no Manner of holding is expressed; and in the Case of Lands held by Burgage Tenure such extracted Decree shall infer that the same are to be holden of Her Majesty in Free Burgage; and in either Case such extracted Decree shall be held from the Date of such Recording to vest in the Heir so served a personal Right to the Lands therein contained, and to render said Lands liable to all his Debts and Deeds and to the Diligence of his Creditors, as well after his Death as during his Life, which Right shall be transmissible to the Heirs and Successors of the Heir so served entitled to succeed to the said Lands under the Destination thereof as aforesaid, and also to his Assignees, legal as well as voluntary, except in so far as such Transmission shall be effectually prohibited by the Titles under which said Lands are held;

held; and in order that the feudal Title may be completed in the Person of the Heir so served, it shall be lawful and competent for him to use such extracted Decree in the same Manner and to the same Effect as if such extracted Decree were actually a Disposition of the Nature above mentioned, and in particular he shall be entitled to record the same in the appropriate Register of Sasines as a Conveyance under this Act, along with a Warrant of Registration thereon on his Behalf; and such extracted Decree and Warrant of Registration, upon being so recorded in favour of such Heir, shall form as effectual an Investiture in favour of such Heir in the Lands where the same are held by Burgage Tenure as if Cognition and Entry had taken place in due Form, and an Instrument of Cognition and Sasine in regard to such Lands and in favour of such Heir had at the Date of so recording such extracted Decree and Warrant, or such Instrument of Sasine, been expede and recorded in the Burgh Register of Sasines, according to the Law and Practice prior to the First Day of *October* One thousand eight hundred and sixty, and in the Lands where the same are not held by Burgage Tenure, holding base of the Deceased and his Heirs, until Confirmation thereof shall be granted by the Deceased's Superior as if such Investiture had been created by a Disposition from the Deceased as aforesaid, recorded, with Warrant of Registration thereon as aforesaid, in the appropriate Register of Sasines, in favour of such Heir at the Date of so recording the said extracted Decree of Service; and in order that the Feudal Title to said Lands may be completed in the Person of the said Heirs and Successors and Assignees of the Heir so served not having completed a feudal Title thereto in his own Person, it shall be lawful and competent to such Heirs, Successors, and Assignees to use such extracted Decree, as if the same had been an unrecorded Conveyance of the said Lands in favour of the Heir so served to which they had acquired Right, and to complete their Titles to said Lands in the Manner and to the Effect provided by this Act in the Case of a Party having Right to an unrecorded Conveyance: Provided always, that notwithstanding of any Prohibition against Subinfeudation or alternative Holding contained in the Charter or Contract or other Deed by which the Vassal's Right is constituted, the Titles so completed shall, in the Case of Lands not held by Burgage Tenure, form a valid feudal Investiture in favour of the Heir so served, or of his Heirs, Successors, or Assignees, as the Case may be, without Prejudice to the Right of the Superior to require the Heir so served, or his Heirs, Successors, and Assignees, as the Case may be, to enter forthwith as accords of Law, and to deal otherwise with the Heir so served, and his Heirs, Successors, and Assignees as Vassals unentered: Provided also, that nothing herein contained

shall

shall be held to repeal or alter an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-one, intituled *Act concerning Appearand Heirs, their Payment of their Predecessors and their own Debts*, or an Act of the said Parliament passed in the Year One thousand six hundred and ninety-five, intituled *Act for obviating the Frauds of Appearand Heirs.*

A Special Service not to infer a general Representation, either active or passive.

47. No Decree of Special Service obtained in virtue of the said recited Act Tenth and Eleventh of the Reign of Her present Majesty, Chapter Forty-seven, or to be obtained in virtue of this Act, shall operate or be held as equivalent to or as implying a General Service to the Deceased in the same Character, except as to the particular Lands therein embraced; and every such Decree of Special Service shall infer only a limited passive Representation of the Deceased, and the Person thereby served as Heir shall be liable in respect of such Service for the Deceased's Debts and Deeds only to the Extent or Value of the Lands embraced by such Special Service, and no further.

Petitioner for Special Service may petition for General Service.

48. In any Petition for Special Service, in whatever Character, it shall be competent to the Petitioner to pray for General Service in the same Character as that in which Special Service is sought, and Decree may be pronounced in Terms of such Prayer as well as for Special Service; and no further Notice or Publication of the Petition of Service shall in such Case be necessary than is hereby required for such Petition of Special Service.

A General Service may be applied for and obtained to a limited Effect by annexing a Specification;

49. It shall be lawful for any Person presenting a Petition for General Service to a deceased Person to state in such Petition, in the Form, or as nearly as may be in the Form, No. 1. of Schedule (R.) hereunto annexed, that he desires the Effect thereof to be limited to certain Lands which belonged to the Deceased, and which shall be embraced in a particular Specification thereof, to be annexed to such Petition for General Service, which Specification shall be in the Form or as nearly as may be in the Form No. 2. of the said Schedule (R.), and shall be subscribed by the Petitioner or his Mandatory; and in preparing an Abstract of such Petition for Insertion in the Minute Book of the Court in which it shall be presented, and for Publication, it shall be described as a Petition for General Service with Specification annexed; and the Sheriff to whom such Petition for General Service with Specification annexed shall be presented shall, in pronouncing Decree of Service on such Petition, make reference to the Specification annexed thereto, and shall limit such Decree of Service to the Lands described in the said Specification,

tion, and the Effect of such Decree shall accordingly be taken and held in Law to be so limited; and a Copy of such Specification shall be embodied in the Extract of the said Decree, and recorded as Part thereof; and every such Decree of General Service, obtained in virtue of said last-recited Act or of this Act, with Specification annexed, shall infer only a limited passive Representation of the Deceased; and the Person thereby served as Heir shall be liable in respect of such Service for the Deceased's Debts and Deeds only to the Extent or Value of the Lands contained in the relative Specification.

and it shall infer only a limited passive Representation.

Jurisdiction of the Sheriff of Chancery.

50. The Sheriff of Chancery appointed or to be appointed in virtue of this Act shall have and possess such and the like Authority and Jurisdiction to entertain, try, and adjudicate, but in the Manner prescribed and directed by this Act, all Questions of and relating to the Service of Heirs, as the Sheriff of Chancery appointed in virtue of the said recited Act Tenth and Eleventh of the Reign of Her present Majesty, Chapter Forty-seven, or any Sheriff or Judge Ordinary, now has and possesses in any Case competent before such Sheriff or Judge Ordinary, or in any Case now or formerly competent before the Sheriff of *Edinburgh* acting on Special Commission; and such Sheriff of Chancery shall hold his Court in any Court Room within the Parliament or new Session House of *Edinburgh* which has been or may be assigned by the Lords of Session for that Purpose, or in any other Place which may be so assigned.

Power to the Court of Session to pass Acts of Sederunt.

51. It shall be competent to the said Court of Session and they are hereby authorized and required from Time to Time to pass such Acts of Sederunt as shall be necessary or proper for regulating in all respects the Proceedings under this Act before the Sheriff of Chancery or Sheriffs of Counties, and following out the Purposes of this Act in regard of these Proceedings, and regulating the Times at which the Sheriff of Chancery shall hold his Courts, and the Fees to be paid in respect of any of the Proceedings to be taken in virtue hereof; and the Charges to be made by Agents and Solicitors, whether in the Inferior Court or Court of Session, for any Proceedings under this Act, shall be audited and taxed in the same Manner as Charges for other Judicial Proceedings in the said Courts respectively are audited and taxed: Provided always, that Accounts of Expenses in the Sheriff Court of Chancery shall be audited and taxed by the Auditor of the Court of Session, and the Decree for such Expenses shall be extractable by the Extractor of the Court of Session in the same Manner as a Decree of that Court, and all such Decrees shall be held to be Interim Decrees, and the Warrants shall, after Extract, be retransmitted to the Sheriff Clerk of Chancery.

52. The

Appointment of Sheriff of Chancery.

52. The Sheriff of Chancery, and Sheriff Clerk of Chancery, and Clerk to the Presenter of Signatures in Exchequer appointed in virtue of the said recited Act Tenth and Eleventh of the Reign of Her present Majesty, Chapter Forty-seven, shall, until their respective Deaths or Resignations, be appointed and are hereby respectively appointed to be Sheriff of Chancery, and Sheriff Clerk of Chancery, and Clerk to the Presenter of Signatures in Exchequer, for the Purposes of this Act; and after the Death or Resignation of the said Sheriff of Chancery, it shall be lawful for Her Majesty from Time to Time to appoint a fit Person, being a Person qualified for the Office of Sheriff of a County in *Scotland*, to be the Sheriff of Chancery for the Purposes of this Act, and after the Death or Resignation of the present Sheriff Clerk of Chancery, and Clerk to the Presenter of Signatures in Exchequer, also to appoint a fit Person to act both as Sheriff Clerk of Chancery and as Clerk to the Presenter of Signatures in Exchequer for the Purposes of this Act.

Agents may practise before Sheriff Courts.

53. It shall be lawful and competent for Agents qualified to practise before the Court of Session or before any Sheriff Court to practise before the Sheriff of Chancery as well as in the ordinary Sheriff Courts in Petitions of Service.

Salaries of Sheriff of Chancery and Sheriff Clerk of Chancery.

54. The Sheriff of Chancery and Sheriff Clerk of Chancery shall respectively receive such Salaries as shall from Time to Time be fixed by the Commissioners of Her Majesty's Treasury, and such Salaries and any Increase thereof shall be payable out of the Funds from which the Salaries of Sheriffs of Counties are payable; and the said Sheriff shall be entitled to a Retiring Annuity, subject to the same Conditions and Provisions as Sheriffs of Counties, and payable out of the same Funds from which the Salaries and Annuities of the said Sheriffs are payable.

Salary to be regulated by the Commissioners of the Treasury on Vacancy.

55. Whenever any Vacancy shall occur in the Office of Sheriff of Chancery, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, to regulate the Salary of the Sheriff of Chancery as the then Circumstances of the Office may require.

Compensation already awarded not to be affected.

56. Nothing herein contained shall affect the Right of any Person to whom Compensation shall have been awarded by way of Annuity in virtue of the Provisions of the Thirty-fourth Section of the last-recited Act to receive such Compensation: Provided always, that if any Person to whom such Compensation may have been awarded has been or shall hereafter be appointed to any other Public

Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in respect of such other Office while he shall continue to hold the same.

Compensation to be paid.

57. The several Compensations which may have been awarded under the Authority of the last-recited Act shall be payable out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for the keeping up of the Courts of Session, Justiciary, or Exchequer in *Scotland*.

Provisions as to depending Petition for Service.

58. All Petitions for Service which at the Commencement of this Act shall be depending before the Sheriff of Chancery or the Sheriff of any County acting under the said Act of the Tenth and Eleventh of Her Majesty Queen *Victoria* shall thereafter depend before the Sheriff of Chancery or the Sheriff of such County respectively acting under this Act, and shall be taken up by such Sheriff at the Stage at which the Proceedings in such Petitions shall have arrived at the Commencement of this Act, and shall be thereafter proceeded with by such Sheriff according to the Provisions of this Act as if the same had been presented to such Sheriff after the Commencement of this Act; and in all Cases in which before or after the Commencement of this Act a Petition for Service shall have been or shall be advocated or appealed to the Court of Session, or a Process of Reduction shall have been or shall be brought of any Decree of Service pronounced before or after the Commencement of this Act, any Remit which in such Process of Advocation or Appeal or Reduction has been or shall be made by the said Court to the Sheriff may and shall be executed and carried out by the Sheriff to whom the Petitions or Petition advocated or appealed, or in which the Decree under Reduction may have been pronounced, was originally presented, or before whom the same would have depended if the same had not been presented till after the Commencement of this Act.

Unnecessary to libel and conclude for Decree of Special Adjudication.

59. Whereas it is inconvenient in Practice to libel and conclude for General Adjudication of Lands as the Alternative only of Special Adjudication, in Terms of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and seventy-two: It shall not be necessary to libel or conclude for Special Adjudication, and it shall be lawful to libel and conclude and decern for General Adjudication without such Alternative, anything in the said last-recited Act of the Parliament of *Scotland*, or in

in any other Act or Acts of the Parliament of *Scotland* or of *Great Britain* or of the United Kingdom of *Great Britain* and *Ireland*, to the contrary notwithstanding.

General and Special and General Special Charges to be no longer necessary.

60. It shall not be competent to use Letters of General or Special Charge, or General Special Charge, but in an Action of Constitution of an Ancestor's Debt or Obligation against his unentered Heir the Citation on and Execution of the Summons in such Action shall be held to imply and be equivalent to a General Charge, the Induciæ of which shall expire with the Induciæ of such Summons, and shall infer the like Certification with such General Charge; and it shall thereafter be competent to adopt under such Summons the same Procedure in all respects, and to pronounce the same Decree, which would have been competent had such Summons been preceded by Letters of General Charge duly executed against such Heir, according to the Law and Practice in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, which Decree shall be a valid Decree of Constitution; and in an Action of Adjudication, whether for Debt or in Implement, against such Heir following on such Decree of Constitution, or in an Action of Adjudication against an unentered Heir founded on his own Debt or Obligation, the Citation on and Execution of the Summons of Adjudication shall be held to imply and be equivalent to a Special Charge or General Special Charge, as the Circumstances may require, the Induciæ of which Charge shall expire with the Induciæ of such Summons, and shall infer the like Certification with such Special Charge or General Special Charge, as the Case may be; and it shall thereafter be competent to adopt under such Summons the same Procedure in all respects, and to pronounce the same Decree, which would have been competent had such Summons been preceded by Letters of Special Charge or General Special Charge, as the Case may be, duly executed against such Heir according to the Law and Practice in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven; which Decree shall be a valid Decree of Adjudication, whether for Debt or in Implement; and in Actions of Constitution and Adjudication against an unentered Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, it shall not be necessary to raise a separate Summons of Constitution and a separate Summons of Adjudication, but both Actions may be combined in One Summons, whether the Heir renounce the Succession or not, and the Citation on and Execution of such Summons shall be held to imply and be equivalent to a General Charge, or to a General Charge and a Special Charge,

 or

or to a General Charge and a General Special Charge, as the Circumstances of the Case may require, the Induciæ of which shall expire with the Induciæ of such Summons, and shall infer the like Certification with such General Charge, or General Charge and Special Charge, or General Charge and General Special Charge, as the Case may be; and in such combined Action of Constitution and Adjudication it shall be competent to adopt the same Procedure in all respects, and to pronounce the same Decree or Decrees, which would have been competent had such Summons been preceded by Letters of General Charge duly executed against such Heir according to the Law and Practice in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, or which would have been competent had a separate Summons of Constitution and a separate Summons of Adjudication been raised against such Heir, and been preceded respectively by Letters of General Charge, or of Special Charge, or General Special Charge, duly executed against such Heir according to the Law and Practice in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, which Decree or Decrees shall be valid Decrees of Constitution, or of Adjudication, whether for Debt or in Implement, or of Constitution and Adjudication, whether for Debt or in Implement, as the Case may be; and in such combined Action of Constitution and Adjudication, whether for Debt or in Implement, it shall be competent to pronounce Decree of Constitution and Adjudication in One and the same Interlocutor, and to extract the same in One and the same Extract, which Decree shall have the full Force and Effect of a Decree following upon a Summons of Constitution preceded by Letters of General Charge, and also of a Decree following upon a Summons of Adjudication, whether for Debt or in Implement, preceded by Letters of Special or General Special Charge, as the Case may be; anything in an Act of the Parliament of *Scotland* passed in the Year One thousand five hundred and forty, and in another Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and twenty-one, or in any other Act of the Parliament of *Scotland* or of *Great Britain*, or of the United Kingdom of *Great Britain* and *Ireland*, or any Law or Practice, to the contrary notwithstanding.

Actions of Constitution and Adjudication against Apparent Heir may be insisted in after the Lapse of Six Months.

61. Actions of Constitution and Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation, for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of Six Months from the Date of his becoming Apparent

Apparent Heir, any Law or Practice to the contrary notwithstanding.

Effect of a Decree of Adjudication or Sale.

62. In all Cases a Decree of Adjudication, whether for Debt or in Implement, or a Decree of Constitution and Adjudication, whether for Debt or in Implement, or a Decree of Sale, if duly obtained in the Form prescribed by this Act, or obtained, if prior to the Commencement of this Act, in the Form then in use, shall, except in the Case where the Subjects contained in the Decree of Adjudication or of Constitution and Adjudication are Heritable Securities, be held equivalent to and shall have the legal Operation and Effect of a Conveyance in ordinary Form of the Lands therein contained granted in favour of the Adjudger or Purchaser by the Ancestor of such Apparent Heir, or by the Owner or Seller of the Lands adjudged or sold, although in Nonage or of Insane Mind, to be holden in the Case of Lands not held by Burgage Tenure in the Manner and to the Effect and subject to the Provisions enacted and provided by the Sixth Section of this Act in the Case of Conveyances in which no Manner of holding is expressed, and to be holden of Her Majesty in Free Burgage in the Case of Lands held by Burgage Tenure; and it shall be lawful and competent to such Adjudger or Purchaser to complete Feudal Titles to said Lands, not only by Infeftment on such Decree as a Conveyance or unrecorded Conveyance, as the Case may be, in the Manner provided by this Act, but also when the Lands are not held by Burgage Tenure, by obtaining from the Superior Charter of Adjudication or of Sale of said Lands and expeding Infeftment on such Charter in common Form or as a Conveyance or unrecorded Conveyance, as the Case may be, in the Manner provided by this Act, or where the Ancestor of such Apparent Heir, or the Owner or Seller of the Lands adjudged or sold, shall have been or shall be entered with his Superior, or in a Situation to charge such Superior under the Powers in this Act contained, to grant Entry by Confirmation, by taking Infeftment on such Decree as a Conveyance or unrecorded Conveyance, as the Case may be, in the Manner provided by this Act, which Infeftment shall, with such Decree, be an effectual Feudal Investiture in the said Lands in Terms of such Decree, holding Base of the Party whose Lands are adjudged or sold, and his Heirs, until Confirmation thereof shall be granted by the Superior of the Lands in the same Manner and to the same Effect as if the Party whose Lands are sold or adjudged had granted a Disposition of the Lands to the Adjudger or Purchaser in the Terms of the said Decree, with an Obligation to infeft *a me vel de me* to be completed by Confirmation, and a Precept of Sasine, and the Adjudger or Purchaser had been Infeft on such Precept,

Precept, and the Effect of the Charter or Writ of Confirmation of such Decree or of the Infeftment thus proceeding upon the same shall be to make the Lands hold immediately of and under such Superior; but the Right of the Superior to the Composition payable by the Adjudger or Purchaser as due under the existing Law is hereby reserved entire, and the Adjudger or Purchaser, by taking Infeftment on any such Decree in any of the Modes above mentioned, shall become indebted in such Composition to the Superior, and shall be bound to pay the same on the Superior tendering a Charter or Writ of Confirmation, whether such Charter or Writ shall be accepted or not, and the Superior shall be entitled to recover such Composition as accords of Law; and it is hereby provided that such Infeftment on any such Decree shall, without Prejudice to any other Diligence or Procedure, be of itself sufficient to make the Adjudication effectual in all Questions of Bankruptcy or Diligence: Provided always, that where the Investiture of any Lands has imposed or shall impose a Prohibition against Sub-infeudation or alternative Holding, such Adjudger or Purchaser shall, in respect of such recorded Decree or Notarial Instrument, and notwithstanding any such Prohibition, be deemed and taken to be duly infeft in the Lands adjudged or sold as from the Date of recording such Decree or Instrument, but without Prejudice to the Right of the Superior to require such Adjudger or Purchaser to enter forthwith as accords of Law, and to deal with such Adjudger or Purchaser, as with a Vassal unentered.

Signatures for Crown Writs abolished.

63. It shall not be necessary, in order to the obtaining of any Crown Writ, that any Signature shall be presented and passed in Exchequer, or that any Precept shall be framed and issued thereon as preliminary to the granting of such Writ, and all Crown Writs shall be obtained in the Manner directed by this Act, and not otherwise.

Crown Writs to be obtained by lodging a Draft thereof and Note along with the Title Deeds.

64. Any Person seeking to obtain a Crown Writ shall lodge or cause to be lodged in the Office of the Presenter of Signatures a Draft of the proposed Writ, as prepared by his Agent, being a Writer to the Signet, whose Signature shall be endorsed thereon, together with a short Note, in the Form, or as nearly as may be in the Form, of Schedule (S.) hereto annexed, praying for a Crown Writ in Terms of the said Draft; and the Date of lodging such Note shall be marked thereon by the Presenter of Signatures or his Clerk; and along with such Note and Draft there shall be lodged the last Crown Writ and Retour or Decree of Service of the Lands, and all the Title Deeds of the Lands subsequent thereto, together with Evidence of the valued Rent when necessary, and an Inventory and Brief of the Titles, according to the Practice heretofore in use.

65. The

Draft Crown Writ be revised.

65. The Draft Crown Writ so lodged shall be forthwith revised by the Presenter of Signatures, who shall require the Attendance of the Agent of the Person applying for the Writ for the Purpose of receiving his Explanations; and the Presenter of Signatures shall thereafter proceed with the Revision of the said Draft, making such Alterations and Corrections as are necessary; and he shall, after his final Revisal of such Draft, authenticate each Page thereof, and the several Alterations and Corrections thereon, if any, with his Initials, and shall mark on such Draft that the same has been revised by him, and also the Date when such Revisal was completed; and the Fees on Signatures payable prior to the First Day of *October* One thousand eight hundred and forty-seven to the Presenter of Signatures shall be chargeable on the Draft Writ to be lodged and revised as aforesaid, and all other Fees payable prior to that Date to the Officers of Exchequer on Signature shall cease and determine.

Rectification of Mistakes in former Titles.

66. If it shall appear that any Mistake has occurred in the Terms of the last Crown Writ or Retour or Decree of Service, to the Prejudice of the Crown, the Person applying for the Writ shall further, on Requisition made to him or his Agent to that Effect, by Order of the Presenter of Signatures, lodge the prior Title Deeds of the said Lands, and any other Title Deeds of and concerning the same, in so far as such Title Deeds may be in his Possession or at his Command, and in so far as the same may be necessary for the due Revisal of the said Draft on behalf of the Crown, and for the Rectification of such Mistake, which may be rectified accordingly; and, on the other hand, if the Vassal shall allege any Mistake to have occurred in the Terms of the last Crown Writ or Retour or Decree of Service to his Prejudice, the Person applying for the Writ shall be entitled, without such Requisition, to lodge a Note explaining the alleged Mistake, and produce the prior Titles of the said Lands, and any other Title Deeds or other Deeds of and concerning the same, in so far as these may be necessary for the due Revisal of the said Draft and the Rectification of such Mistake, which may be rectified accordingly; but no such Rectification shall in either Case be allowed, nor the Draft be held as finally revised or authenticated as such, until the same shall have been reported by the Presenter of Signatures to and approved of by the Lord Ordinary in Exchequer Causes appointed in Terms of an Act passed in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter Fifty-six, for constituting the Court of Session the Court of Exchequer in *Scotland*.

 67. In

Intimation of proposed Rectification to be made to Solicitor for Commissioners of Woods and Forests.

67. In every Case where the Draft of any Crown Writ shall be laid before the Lord Ordinary in Exchequer Causes, as before provided for, Intimation thereof and of the relative Report by the Presenter of Signatures, or Note, as the Case may be, shall be made by the Agent applying for the Writ to the Solicitor in *Scotland* for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and the Lord Advocate shall be entitled to appear in Name and on behalf of the Crown, and on behalf of the said Commissioners, or either of them, in all future Proceedings relating to the said Crown Writ; and the Lord Ordinary, before finally approving of any such Draft Writ, shall be satisfied that One Calendar Month's previous Notice in Writing of such Draft having been laid before him has been given to the said Solicitor, accompanied by a Copy of the said Draft Writ, and of the Report by the Presenter of Signatures, or Note, as the Case may be.

Presenter of Signatures, &c. may refer to Copy of Writ when withheld.

68. When the last Crown Writ or Retour or Decree of Service shall be withheld by the Person applying as aforesaid, or cannot be so lodged from being in the Possession of the Proprietor of other Lands therein contained, or from any other good Cause, it shall be competent for the Presenter of Signatures, or for the Person applying as aforesaid, to refer to the Copy thereof engrossed in the Register of the Great Seal, or in the Register of Retours or Record of Services, and to procure Exhibition thereof as Evidence of the Terms of such last Crown Writ or Retour or Decree of Service; and the Lord Clerk Register is hereby authorized and required to make such Regulation as will enable the Exhibition thereof to be obtained for the Purpose aforesaid, upon the joint Application of the Person so applying and of the Presenter of Signatures.

Amount of Crown Duties to be fixed.

69. The Presenter of Signatures shall also, with the Aid of the Auditor of Exchequer, ascertain and fix the Amount of Composition or other Duties due and payable to the Crown on granting such Writ, and the Amount of the same shall be marked on the said Draft, and certified by the Signatures of the said Auditor of Exchequer and of the Presenter of Signatures; and in ascertaining and fixing the Amount of such Composition and other Duties payable to the Crown there shall be no Charge added for the Expense of collecting the same, any Law or Practice to the contrary notwithstanding.

Clerk's Fees.

70. The Person applying for such Crown Writ shall be bound to pay to the Clerk of the Presenter of Signatures the Fees to be fixed

fixed in manner herein-after provided, which Fees shall be paid over by such Clerk to the Director of Chancery, who shall be accountable therefor.

Copy of revised Draft to be furnished to the Party.

71. Such revised Draft shall, so long as it is retained in the Office of the Presenter of Signatures, be there open to the Inspection of the Party applying for the Crown Writ or his Agent, and a Copy thereof shall be furnished on Demand on Payment of the Fees to be fixed as herein-after directed.

If no Objections, the revised Draft to be attested, and the Crown Writ prepared.

72. Where no Objections shall be stated to the Draft as so revised, a Docquet shall be put thereon certifying that the same is approved, which Docquet shall be signed by the Agent applying for the Crown Writ and by the Presenter of Signatures, and the Date of signing the same thereon set forth; and such Draft, so docqueted, shall, without being given up to the Party applying for the said Writ or his Agent, be officially transmitted by the Presenter of Signatures to the Office of the Director of Chancery, and where such Writ is to be engrossed on any Deed or Conveyance, such Deed or Conveyance shall be transmitted along with said Draft, and such Draft shall form a valid and sufficient Warrant for the immediate Preparation of the Writ in Chancery in Terms of such Draft.

Crown Writs may be applied for at any Time.

73. It shall be competent to apply for any Crown Writ in manner before directed, and to revise the Draft of the same, and in the event of the same being docqueted as revised and approved in manner aforesaid to prepare and deliver the Writ as herein-after directed at any Period of the Year, and notwithstanding that it shall not then be Term Time of the Court of Session acting as the Court of Exchequer in *Scotland* under the said Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Fifty-six.

Objections, if any, to Draft Crown Writ to be by a Note.

74. It shall be lawful for the Person applying for the Crown Writ, if dissatisfied with the Draft revised as aforesaid, to state Objections thereto or against the Amount of Duties and Composition thereon marked as payable; and such Objections shall be set forth in a short written Note of Objections, without Argument, to be lodged in the Office of the Presenter of Signatures, subscribed by the Agent of such Person; and the Date of lodging such Note of Objections shall be marked thereon by the Presenter of Signatures or his Clerk.

Objections, how to be disposed of.

75. Where any Note of Objections shall be so lodged, such Note shall, together with the whole other Proceedings, be laid before the said

said Lord Ordinary in Exchequer Causes, and the said Lord Ordinary shall hear the Person so objecting, by himself, his Counsel or his Agent, being a Writer to the Signet, and shall also hear any Report or Statement by the Presenter of Signatures; and wherever it shall appear to the said Lord Ordinary that the said Objections should to any Extent receive Effect he shall cause such Alterations and Corrections as shall appear to him proper, either with reference to the Terms of the said Draft, or to the Amount of Duties or other Payments marked thereon as payable, to be made on such Draft, or to be expressed in a separate Paper marked as relative thereto, and shall authenticate such Draft and relative Paper with his Signature; and the said Lord Ordinary shall at the same Time pronounce a Judgment or Deliverance, to be written on the Note of Objections, appointing the Writ, as so altered and corrected, to be prepared and executed; and the Judgment or Deliverance so pronounced shall form a valid and sufficient Warrant for the Preparation in Chancery of the Writ as altered and corrected.

Procedure if Objections repelled.

76. Wherever the said Lord Ordinary shall be of opinion that the said Objections should not to any Extent receive Effect, he shall pronounce a Judgment, to be written on the said Note of Objections, repelling the said Objections; and the Judgment or Deliverance so pronounced shall form a valid and sufficient Warrant for the Preparation in Chancery of the Writ as revised by the Presenter of Signatures in manner before directed.

Refusal to revise, how to be complained of.

77. Wherever the Presenter of Signatures shall be of opinion that the Person applying for the Crown Writ has not produced a Title sufficient to show that he has Right to obtain the same, the Presenter of Signatures shall mark on the said Draft that the same is refused for Want of sufficient Production of Titles, adding thereto his Signature and the Date of affixing the same; and his Clerk shall intimate such Refusal to the Agent of the said Person, and shall on Demand return the Draft to such Agent; and in every such Case it shall be competent for the Person who shall have applied for the Writ to bring such Refusal under Review of the said Lord Ordinary by a Note of Objections lodged in manner aforesaid; and the said Lord Ordinary shall, after considering such Note, and hearing Parties thereon in manner aforesaid, sustain or repel the Objections, or pronounce such Judgment or Deliverance thereon as shall be just; and if the said Lord Ordinary shall be of opinion that a sufficient Title has been shown to authorize the Writ being granted, he shall in that Case remit to the Presenter of Signatures to proceed with the Revisal of the Draft in manner before mentioned.

Crown Writ as revised to be engrossed and delivered.

78. As soon as the Draft Crown Writ shall have been docqueted as revised and approved in manner before provided, or, in case of Objections being stated, as soon as the same shall have been disposed of by the said Lord Ordinary in manner before directed, the said Draft shall be officially transmitted by the Presenter of Signatures to the Office of the Director of Chancery; and where such Writ is to be engrossed on any Deed or Conveyance, such Deed or Conveyance shall be transmitted along with said Draft, and immediately thereafter the Writ shall be engrossed in the Office of the Director of Chancery in Terms of the Draft as finally adjusted, signed, and officially transmitted as aforesaid, and shall be signed by the Director of Chancery or his Depute or Substitute; and it shall not be necessary to have the Seal appointed by the Treaty of Union to be kept and used in *Scotland* in place of the Great Seal thereof formerly in use affixed to any Writs from Her Majesty, or the Seal of the Prince if the Writs be of Lands holden of the Prince, and a separate Seal be then in use for such Writs, affixed to any Writs from the Prince, unless the Receivers of such Writs shall require the appropriate Seal to be affixed; and when the appropriate Seal is so required and affixed, the Fact shall be stated at the Conclusion of the Writ, and the Date on which the Seal is actually appended stated; and all Crown Writs shall be in all respects as valid and effectual without the Seal as if the same had been appended thereto; and the Writ when signed, or, if required, signed and sealed, as the Case may be, shall be recorded in Chancery in manner hereafter provided, and shall be thereafter delivered to the Person applying for the same, or his Agent, in like Manner in all respects, and on Payment of the same Fees and Charges, as at present used and observed and payable, and the Date of signing, or of sealing when the Seal is appended, shall in all Cases be held and expressed to be the Date of the Writ: Provided always, that before the Writ shall be so delivered Payment shall be made to the Officers who are or may be entitled to receive the same of the Amount of Duties and Compositions payable to Her Majesty or the Prince, ascertained and fixed as aforesaid; and a Record of the Amount of Duties payable to Her Majesty or the Prince shall be kept in Chancery, so as to form a Charge against the Officer or other Person appointed to receive the same.

Crown Writ to be valid.

79. The engrossed Crown Writ, signed, or signed and sealed, recorded and delivered as aforesaid, shall be in all respects a Warrant for Infeftment in the Lands described or referred to in the said Writ, as valid and effectual as any Crown Writ of the same Description hitherto in use to be granted, and notwithstanding that the same has not followed on any Signature presented and passed

in Exchequer or Precept directed thereon, any Law or Usage heretofore existing to the contrary notwithstanding.

Ceremony of Resignation abolished.

80. Where a Crown Charter or Crown Writ of Resignation is applied for it shall not be necessary to go through any Form or Ceremony of Resignation, but in all Cases Resignation shall be held to be duly made and completed in Terms of the Procuratory or Clause of Resignation, which forms the Warrant for Resignation, by the ingiving of the Note applying for the Charter or Writ as aforesaid, and as of the Date of such ingiving; and every such Charter or Writ of Resignation shall be as valid and effectual as any Crown Charter or Crown Writ of Resignation heretofore granted, any Law or Usage to the contrary notwithstanding.

Investiture by Resignation from the Crown.

81. Where Lands are held of the Crown, and a new Investiture by Resignation shall be required, it shall be competent for the Person, in right of the Deed or Conveyance which is the Warrant for Resignation, to apply to the Presenter of Signatures for a Crown Charter of Resignation, or a Crown Writ of Resignation, in or as nearly may be in the Forms herein-after respectively provided, and such Crown Writ of Resignation shall be engrossed on the said Deed or Conveyance, and it shall be competent to record in the appropriate Register of Sasines such Deed or Conveyance, with the Writ engrossed thereon, and Warrant of Registration also, in the Form or as nearly as may be in the Form No. 1. of Schedule (H.) hereto annexed; and the same being so recorded shall have the same legal Force and Effect in all respects as if a Crown Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine expede in favour of the Party on whose Behalf such Deed or Conveyance and Writ and Warrant are presented for Registration, and so recorded at the Date of recording such Deed or Conveyance and Writ and Warrant: Provided always, that the recording of such Deed or Conveyance along with such Writ and Warrant shall not have the Effect of an Instrument of Sasine following on such Deed or Conveyance.

Investiture by Confirmation from the Crown.

82. Where Lands are held of the Crown, and a Confirmation of any Deed or Conveyance recorded in the appropriate Register of Sasines shall be required, it shall be competent for the Person, in right of such Deed or Conveyance, to apply to the Presenter of Signatures for a Crown Charter of Confirmation, or a Crown Writ of Confirmation in or as nearly as may be in the Forms herein-after respectively provided, and such Crown Writ of Confirmation shall be engrossed on the said Deed or Conveyance, and shall have the same legal Force and Effect as a Crown Charter of Confirmation of such Deed or Conveyance.

83. Crown

Crown Writs and Crown Charters may be in the Forms given in Schedule (T.)

83. Crown Writs and Crown Charters of Resignation may be respectively in the Forms or as nearly as may be in the Forms of Nos. 1. and 2. of Schedule (T.) hereto annexed; and Crown Writs and Crown Charters of Confirmation may be respectively in the Forms or as nearly as may be in the Forms of Nos. 3. and 4. of said Schedule (T.); and Crown Writs and Crown Charters of any other Denomination or Nature, except Crown Precepts or Crown Writs of Clare constat, may be in Forms as nearly approaching as may be to the Examples given in the said Schedule (T.), the necessary Alterations being made as the Denomination or Nature of the particular Writ or Charter may require; and all Crown Writs and Crown Charters, including Crown Precepts and Crown Writs of Clare constat, when granted in or as nearly as may be in any of the Forms provided by this Act, shall have the same Force and legal Effect in all respects as if the same had been granted in any corresponding Forms heretofore in use or competent, and shall be read and construed as largely and beneficially in all respects for the Holders thereof as if the same had been expressed in and had contained the whole Terms and Words which are now used, or were used prior to the First Day of *October* One thousand eight hundred and forty-seven, in granting such Crown Writs or Charters: Provided, that when the Lands to which the Deed or Conveyance on which any Crown Writ shall be engrossed are held under a Deed of Entail, or under any real Burdens or Conditions or Provisions or Limitations whatsoever appointed to be fully inserted in the Investitures of such Lands, it shall not be necessary in such Writ to insert or refer to the Destination of Heirs, the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, or Clause authorizing Registration in the Register of Taillies contained in such Deed of Entail, provided the same are inserted at full Length in such Deed or Conveyance or are referred to therein in manner provided by the Ninth Section of this Act, or to insert or refer to such real Burdens or Conditions or Provisions or Limitations, provided the same are inserted at Length in such Deed or Conveyance, or are referred to therein in manner provided by the Tenth Section of this Act.

Crown Writs or Precepts to Heirs specially served, how to be obtained.

84. When any Person who has obtained himself specially served as Heir to a deceased Ancestor shall seek to obtain a Crown Writ of Clare constat or Precept from Chancery for infefting himself as such Heir, he shall, in like Manner as before directed, lodge or cause to be lodged in the Office of the Presenter of Signatures the Retour or Decree of his Special Service, and a Draft of the proposed Writ or Precept prepared by his Agent, being a Writer to the Signet, in the Form or as nearly as may be in the Forms, as the Case may require, of Schedule (U.) Nos. 1. or 2. hereto annexed, together

together with a Note in the Terms or to the Effect before directed, and the last Crown Writ and other Titles of the Lands as aforesaid, and the said Draft shall be revised by the Presenter of Signatures on behalf of the Crown, in manner aforesaid; and all the Provisions herein-before contained with regard to Drafts of Crown Writs shall be and the same are hereby made applicable to such Drafts of Writs of Clare constat or Precepts from Chancery, and the Draft of such Writ of Clare constat or Precept, when docqueted as revised and approved in manner before provided, or, in the Case of Objections, the Judgment or Deliverance of the said Lord Ordinary, shall be officially transmitted to the Office of the Director of Chancery in manner before provided, and shall form a valid and sufficient Warrant for the Preparation in Chancery of the Writ of Clare constat or Precept in Terms of the Draft as corrected and approved, and the same shall forthwith be engrossed in the Office of the Director of Chancery in Terms of the Draft as finally adjusted, signed, corrected, or approved, and officially transmitted as aforesaid, and shall be signed by the Director of Chancery or his Depute or Substitute, and recorded in Chancery in manner herein-after directed, and shall be thereafter delivered to the Person applying for the same or his Agent, in like Manner in all respects and on Payment of the same Fees and Charges as at present used and observed and payable; and the Writ of Clare constat or Precept, when so engrossed and delivered, and with Warrant of Registration thereon recorded in the appropriate Register of Sasines, shall have the same legal Force and Effect in all respects, as if a Precept from Chancery had been granted, and an Instrument of Sasine thereon had been duly expede and recorded in favour of the Person or Persons on whose Behalf such Writ of Clare constat or Precept is presented for Registration at the Date of recording the said Writ or Precept: Provided always, that before the Writ of Clare constat or Precept is so delivered Payment shall be made of the Amount of Duties and Composition payable to the Crown or Prince, as the same shall have been fixed in manner above mentioned.

Crown Writs or Precepts of Clare constat may also be granted to Heirs holding only a General Service.

85. It shall not be necessary that any Crown Writ of Clare constat or Precept from Chancery for infefting Heirs shall proceed exclusively on Special Service in the particular Lands for Infeftment in which such Writ or Precept is sought, but it shall be competent for any Person to apply for and obtain such Writ or Precept, on lodging along with the last Crown Writ or other Titles as aforesaid an Extract Retour or Decree of General Service, duly expede and recorded, instructing the Propinquity of such Person to the Party who died last vest and seised in the Lands, or the Character of Heir otherwise belonging to him, and establishing his Right to succeed

succeed to the said Lands; and the Writ of Clare constat or Precept granted on Production of such Extract Retour or Decree of General Service shall be in the Form, or as nearly as may be in the Form, of the said Schedule (U.) No. 1. or 2. hereto annexed, and shall be applied for, revised, and obtained in like Manner as herein-before directed in regard to Crown Writs; and the said Writ or Precept, when recorded, with Warrant of Registration thereon, in the appropriate Register of Sasines, shall be as valid and effectual as a Writ or Precept recorded under the Provisions of the Eighty-fourth Section hereof.

Crown Writs or Precepts of Clare constat to be null unless recorded before First Term after being issued.

86. All Crown Writs of Clare constat or Precepts issued from the Office of Chancery shall be null and void, unless recorded, with a Warrant of Registration thereon on behalf of the Heirs in whose Favour they are granted, in the appropriate Register of Sasines before the First Term of *Whitsunday* or *Martinmas* posterior to the Date of such Writ or Precept, without Prejudice to a new Writ of Clare constat or Precept being issued; and the proper Officer in Chancery shall receive at the same Time certain Fees on behalf of Sheriffs, Sheriff Substitutes, and Sheriff Clerks of the Counties in which the Lands lie, and on which Sasine would have been taken according to the Form in use prior to the First Day of *October* One thousand eight hundred and forty-five, and to whom such Officer shall account for the same, in place of the Fees which they had been in use to receive, but such Fees shall be paid only during the Existence of the respective Interests of the Sheriffs, Sheriff Substitutes, and Sheriff Clerks who held these respective Offices at the said First Day of *October* One thousand eight hundred and forty-five, in their respective Offices; and the Lords of Council and Session are hereby authorized and required by an Act or Acts of Sederunt to regulate and determine the Amount of the Fees to be so received on behalf of each such Sheriff, Sheriff Substitute, and Sheriff Clerk, having due Regard to the existing Interests of each.

Fees to be paid to Sheriffs and Sheriff Clerks for a limited Period.

Register of Crown Writs to be kept.

87. The Director of Chancery, or his Depute or Substitute, shall enter or cause to be entered in a Book to be kept for the Purpose, and entitled "The Register of Crown Writs," the whole Crown Writ at full Length, and where any such Writ is engrossed on a Deed or Conveyance the Director or his Depute or Substitute shall, in addition to the Writ itself, enter or cause to be entered in the said Register of Crown Writs the leading Name or Names or short distinctive Description of the Lands comprehended in the Deed or Conveyance on which such Writ is engrossed, or of such of those Lands as the Writ applies to, and the Date of or of

recording such Deed or Conveyance, and, if recorded, the Register in which the same is recorded: Provided always, that no Crown Writ entered in the Register of Crown Writs before the Commencement of this Act shall be held to be invalidly entered in such Register, although the whole of such Writ has been so entered, anything in the "Titles to Land (*Scotland*) Act, 1858," notwithstanding; and it is hereby provided that Extracts from the said Register of Crown Writs, certified by the Director of Chancery or his Depute or Substitute, shall make Faith in Judgment in all Cases except in case of Improbation.

Crown Charters or Writs of Novodamus, how to be obtained.

88. In every Case in which a Crown Charter or Writ of Novodamus, or a Crown Charter or Writ containing any new or original Grant, shall be sought, the Person applying for the same shall, previously to lodging the Note before mentioned in the Office of the Presenter of Signatures, obtain the Consent and Approbation of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, and of the Commissioners of the Board of Trade, under the Hand of their Secretary for the Time being, and written Evidence of such Consent shall be produced along with the Note to be lodged as aforesaid in the Office of the Presenter of Signatures; and the Charter or Writ shall be revised and engrossed as in the ordinary Case, but the same shall be lodged with the Queen's and Lord Treasurer's Remembrancer, and be by him transmitted for the Sign Manual of Her Majesty, and the Signatures of the Commissioners of Her Majesty's Treasury, or any Two of them, or in case such Charter or Writ be of Lands holden of the Prince, and His Royal Highness be then of full Age, for the Consent and Approbation of the Prince, signified under his Sign Manual, after which the proper Seal shall, if desired, be attached to such Charters or Writs, and the other Procedure shall be as is provided in regard to Crown Writs generally.

Lodging Draft of Crown Writ with Note, and recording Note, to be equivalent, in competition, to presenting a Signature and recording Abstract.

89. The Lodging of a Draft of a proposed Crown Writ, together with a short Note in Terms or to the Effect of Schedule (S.) hereto annexed, praying for a Crown Writ in Terms of such Draft, shall, in competition of Diligence and all other Cases, be deemed and held to be equivalent to the presenting of a Signature in Exchequer; and recording a Copy of such Note, and an Abstract of such Draft Writ, in the Register of Abbreviates of Adjudications, shall be deemed and held to be equivalent to recording in the said Register an Abstract of such Signature.

Crown Writs to be in the English Language.

90. All Crown Writs and Instruments following thereon, or relating thereto, shall be expressed in the *English* Language.

91. The

Court of Session to frame Regulations.

91. The Court of Session performing the Duty of the Court of Exchequer as aforesaid shall be and they are hereby authorized from Time to Time to frame and enact by Rule of Court all such Regulations as shall seem to them proper for giving Effect to the Purposes of the present Act, so far as they have reference to Entries with the Crown; and the said Court shall forthwith frame and enact a Rule of Court fixing and determining the Fees to be paid on the various Crown Writs, Steps of Procedure, and other Matters hereby authorized with reference to such Entries, but such Rule of Court shall be subject to Revision by the Court at any Time or Times thereafter.

Salary to be regulated by Commissioners of the Treasury, when Vacancy.

92. Whenever any Vacancy shall occur in the Office of Presenter of Signatures, it shall be lawful to the Commissioners of Her Majesty's Treasury, or any Three or more of them, to regulate the Salary of the Presenter of Signatures, as the then Circumstances of the Office may require.

Power to Prince and Steward of Scotland to appoint his own Presenter of Signatures, &c.

93. Notwithstanding anything in this Act contained, it shall be lawful for the Prince, being of full Age, at any Time or Times hereafter to appoint his own Presenter of Signatures, and other Officer or Officers of Exchequer and Chancery, to discharge, in regard to all Charters and Precepts or Writs of Lands holden of him, the Duties hereby assigned to the Presenter of Signatures and other Officers of Her Majesty's Exchequer and Chancery respectively; and in case of the Office of Presenter of Signatures, or any such other Office in Exchequer or Chancery as aforesaid for the Prince, being conferred on the Person holding the corresponding Office for the Crown, such Officer shall be bound to act for the Prince without additional Salary; and the Fees hereby authorized to be levied in respect of all Charters and Writs from the Prince shall in that Case be paid into the Consolidated Fund; but if any such Appointment by the Prince shall be conferred upon a different Person, the Person so appointed shall draw for his own Use such of the said Fees as shall arise from the Duties performed by him in respect of such Charters and Writs.

Compensation already awarded not to be affected.

94. Nothing herein contained shall affect the Right of any Person to whom Compensation shall have been awarded by way of Annuity in virtue of the Provisions of the Thirty-second Section of the Act Tenth and Eleventh *Victoria*, Chapter Fifty-one, to receive Compensation: Provided that if any Person to whom Compensation shall be so awarded by way of Annuity shall be afterwards appointed to any other Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in

in respect of such other Office while he shall continue to hold the same.

Compensation, how to be paid.

95. The several Compensations which may have been awarded under the Authority of the last-recited Act shall be payable out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, or Exchequer in *Scotland*.

Substitute to be appointed to Sheriff of Chancery or Presenter of Signatures in event of Absence or Disability.

96. In the event of the temporary Absence or Disability of the Sheriff of Chancery or of the Presenter of Signatures it shall be competent to the Lord Justice General and President of the Court of Session to appoint a properly qualified Person to act as Substitute to the Sheriff of Chancery or to the Presenter of Signatures, as the Case may be, such Person receiving from the Sheriff of Chancery or from the Presenter of Signatures, as the Case may be, such Remuneration for so acting as shall be fixed by the said Lord Justice General and President of the Court of Session.

Subject Superior may be compelled to grant Entries by Confirmation.

97. Where any Person is or shall be infeft in Lands holden of a Subject Superior upon a Conveyance or Deed of or relating to such Lands granted by or derived from the Person last entered with the Superior and infeft, or granted by or derived from a Person whose own Title to such Lands is capable of being made public by Confirmation according to the existing Law and Practice, which Conveyance or Deed shall contain an Obligation to infeft *a me* or *a me vel de me*, or shall contain a Clause expressing the Manner of holding to be *a me vel de me*, or shall imply that the Manner of holding is *a me vel de me*, or upon any Conveyance or Deed which under this Act or any of the repealed Acts shall be equivalent to or have the Effect of such a Conveyance, it shall be lawful and competent for such Person, upon Production to the Lord Ordinary on the Bills in the Court of Session of his Infeftment, whether the same shall consist of such Conveyance or Deed itself, with a Warrant of Registration thereon in his Favour, recorded in the appropriate Register of Sasines, or of an Instrument or Instruments in his Favour, applicable to such Lands, following on such Conveyance or Deed, and recorded in the appropriate Register of Sasines, and Warrants of the same, and upon showing the Terms and Conditions under which the said Lands are holden of the Superior thereof, to obtain Warrant for Letters of Horning to charge the Superior to grant in favour of such Person a Writ or Charter of Confirmation in the same Way and Form as is provided and

and in use for compelling Entry by Resignation: Provided always, that the Charger shall at the same Time pay or tender to such Superior such Duties or Casualties as he is by Law entitled to receive upon the Entry of the Charger, and that it shall be lawful for every such Superior to show Cause why he ought not to be compelled to give Obedience to such Charge by presenting a Note of Suspension to the Court of Session in the usual Manner.

Confirmation by Subject Superior to be by Writ or Charter in Form of Schedule (V.) Nos. 1. and 2.

98. Where such Confirmation by a Subject Superior of any Conveyance or Deed or Instrument recorded as before provided shall be required, it shall be competent for the Superior to confirm such Conveyance or Deed or Instrument by a Writ of Confirmation to be engrossed thereon, as nearly as may be, in the Form given in Schedule (V.) No. 1. hereto annexed, or, in the Option of the Person desiring Confirmation, by a Charter of Confirmation in the Form or as nearly as may be in the Form given in Schedule (V.) No. 2. hereto annexed; and the Confirmation granted in either of these Forms of Schedule (V.) hereto annexed shall be, to all Intents and Purposes, as effectual as a Charter of Confirmation according to the Law and Practice prior to the First Day of *October* One thousand eight hundred and fifty-eight, and the Superior shall be bound so to confirm such Conveyance or Deed or Instrument in either of the said Forms in which he shall, by the Person desiring Confirmation, be required so to do, instead of in the Form in use prior to the said Date: Provided always, that the Person requiring such Confirmation be entitled to demand an Entry by Confirmation, and that he shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands contained in such Conveyance or Deed or Instrument, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand: Provided also, that every Superior shall be entitled to insert or refer in Terms of this Act in the Writ or Charter to be granted by him to the whole Clauses, Burdens, and Conditions contained in the former Charter, in so far as they are not set forth at Length or validly referred to in Terms of this Act or of any of the Acts hereby repealed in the Conveyance or Deed or Instrument confirmed.

Investiture by Resignation from Subject Superior.

99. Where a new Investiture from a Subject Superior by Resignation shall be required it shall be competent for the Superior to grant, in favour of the Person in right of the Conveyance or Deed which is the Warrant for Resignation, a Writ of Resignation, which shall be written on such Conveyance or Deed as nearly as may be in the Form given in Schedule (V.) No. 3. hereto annexed, or, in the

Option of the Person resigning, by a Charter of Resignation in or as nearly as may be in the Form given in Schedule (V.) No. 4. hereto annexed; and the Conveyance or Deed, with such Writ of Resignation written thereon, or the Charter of Resignation in the separate Form, shall be, to all Intents and Purposes, as effectual as if a Charter of Resignation had been granted in the usual Form, according to the Law and Practice prior to the First Day of *October* One thousand eight hundred and fifty-eight, and the Superior shall be bound to grant such Writ of Resignation or such Charter of Resignation, if required so to do, instead of a Charter of Resignation in the Form in use prior to said Date: Provided always, that the Party requiring such Writ or Charter be entitled to demand an Entry by Resignation, and that he shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands resigned, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and it shall be competent to record in the appropriate Register of Sasines the Conveyance or Deed, with the Writ of Resignation engrossed thereon, and Warrant of Registration also written thereon, or the Charter of Resignation, with Warrant of Registration written thereon, or to expede a Notarial Instrument on such Charter, and to record such Instrument, with Warrant of Registration thereon, in the appropriate Register of Sasines, and the recording of the Conveyance or Deed, with the Writ of Resignation and Warrant of Registration thereon, or of the Charter, with Warrant of Registration thereon, or of the Instrument, with Warrant of Registration thereon, shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording the said Conveyance or Deed, and Writ or Charter, or Instrument according to the Law and Practice prior to the First Day of *October* One thousand eight hundred and fifty-eight, in favour of the Party on whose Behalf the Conveyance or Deed, and Writ or Charter, or Instrument are presented for Registration: Provided always, that the recording of such Conveyance, along with such Writ and Warrant of Registration thereon, shall not have the Effect of an Instrument of Sasine following on such Conveyance or Deed.

All Writs and Charters from Subject Superior may refer Tenendas and Reddendo.

100. All Writs and Charters from a Subject Superior of any Denomination or Nature other than Writs or Precepts of Clare constat may be in Forms as nearly approaching as may be, and as the Nature of the Writ or Charter will admit, to the Examples given in the said Schedule (V.), the necessary Alterations being made as the Denomination or Nature of the particular Charter or Writ

Writ may require; and such Writs and Charters, when granted in these Forms, or as nearly as may be in these Forms, shall have the same Force and legal Effect in all respects as if the same had been granted in any corresponding Forms heretofore in use or competent, and shall be read and construed as largely and beneficially in all respects for the Holders thereof as if the same had been expressed in and had contained the whole Terms and Words which are now used, or which were used in granting such Writs or Charters prior to the passing of the Statutes repealed by this Act; and in granting all Writs and Charters by Subject Superiors it shall be competent and sufficient to refer to the Tenendas and Reddendo of the Lands therein contained, as set forth at Length either in the Writ or Charter produced to the Superior in Terms of this Act, or in any Charter or other Writ recorded in any Public Register; and Subject Superiors shall be bound, if required, to grant such Writs and Charters containing such Reference, in like Manner as they were bound to grant similar Charters according to the Forms in use prior to the First Day of *October* One thousand eight hundred and fifty-eight; Provided, that when the Lands to which the Deed or Conveyance on which any Writ shall be engrossed are held under a Deed of Entail, or under any real Burdens or Conditions or Provisions or Limitations whatsoever appointed to be fully inserted in the Investitures of such Lands, it shall not be necessary in such Writ to insert or refer to the Destination of Heirs, or the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses or Clause authorizing Registration in the Register of Taillies contained in such Deed of Entail, provided the same are inserted at full Length in such Deed or Conveyance, or are referred to therein in manner provided by the Ninth Section of this Act, or to insert or refer to such real Burdens or Conditions or Provisions or Limitations, provided the same are inserted at full Length in such Deed or Conveyance, or are referred to therein in manner provided by the Tenth Section of this Act.

Precepts and Writs of Clare constat from Subject Superior.

101. Precepts of Clare constat may be in, or as nearly as may be in, the Form given in Schedule (W.) No. 2. hereto annexed, and in all Cases in which it is or may be competent to grant Precepts of Clare constat, or Precepts of Clare constat and Charters of Confirmation combined, it shall be competent and sufficient to grant a Writ of Clare constat in, or as nearly as may be in, the Form given in Schedule (W.) No. 1. hereto annexed, and to record such Writ of Clare constat, with a Warrant of Registration thereon, in the appropriate Register of Sasines; and it shall also be competent so to record any Precept of Clare constat, or

Precept

Precept of Clare constat and Charter of Confirmation combined, with Warrant of Registration thereon, and such Writ of Clare constat, or Precept of Clare constat, or Precept of Clare constat with Charter of Confirmation combined, being so recorded, shall have the same legal Force and Effect in all respects as if a Precept of Clare constat, or Precept of Clare constat with Charter of Confirmation combined, as the Case may be, had been granted, and an Instrument of Sasine thereon had been expede in favour of the Person on whose Behalf such Writ or Precept of Clare constat, or Precept of Clare constat and Charter of Confirmation combined, as the Case may be, and Warrant of Registration are presented for Registration, and recorded at the Date of recording the said Writ, or Precept, or Precept and Charter combined, and Warrant, according to the Law and Practice in force prior to the First Day of *October* One thousand eight hundred and fifty-eight; and Subject Superiors shall be bound to grant such Writs of Clare constat, if required by the Heir entitled to demand the same: Provided always, that the Heir shall, if required, produce a Charter or other Writ showing the Tenendas and Reddendo of the Lands in which his Ancestor died infeft, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand.

Heir in Burgage Subjects may make up Title by Writ of Clare constat.

102. It shall be competent for the Heir of any Person who died last vest and seised in any Lands held Burgage to obtain from the Magistrates of the Burgh within which said Lands are situated a Writ of Clare constat in, or as nearly as may be in, the Form given in Schedule (W.) No. 3. to this Act annexed; and such Writ of Clare constat may be signed by the Provost or acting Chief Magistrate for the Time, and by the Town Clerk, or, where there are more than One Town Clerk, by One of the Town Clerks, and when so signed shall be as valid as if signed by the whole of the Magistrates; and such Writ of Clare constat may, with Warrant of Registration thereon in favour of such Heir, be recorded in the appropriate Register of Sasines, and, when so recorded, shall have the same Effect in all respects as if at the Date of such recording Cognition and Entry of such Heir had taken place in due Form, and an Instrument of Cognition and Sasine in regard to such Lands and in favour of such Heir had been expede and recorded according to the Law and Practice in force prior to the First Day of *October* One thousand eight hundred and sixty.

Writs of Clare constat from Subject Superiors, &c. not to

103. All Writs and Precepts of Clare constat, whether from Subject Superiors, or from Magistrates of a Burgh, already made and granted, and still subsisting and in force, and all such Writs and Precepts of Clare constat to be made and granted hereafter, shall, notwith-

notwithstanding the Death of the Grantor thereof, remain in full Force and Effect during the whole Lifetime of the Grantee, and shall continue effectual as a Warrant for giving Infeftment to the Grantee personally by Sasine in Terms thereof, or by recording the same, with Warrant of Registration thereon in his Favour, at any Time during the Grantee's Life. fall by Death of the Grantor.

104. Where the Person having Right to the Superiority of any Lands, which Superiority is not defeasible at the Will of the Vassal or Disponee, shall not have completed his feudal Title thereto so as to enable him to enter any Heir or Disponee of the Vassal last publicly infeft in the said Lands, or any Adjudger or other Party deriving Right from or through such Vassal, where such Heir, Disponee, Adjudger, or other Party, if such Person had been infeft in the Superiority, would have been entitled to compel Entry in virtue of this Act, or of an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, or otherwise, it shall be competent to such Heir, Disponee, Adjudger, or other Party, provided the annual Reddendo attached to such Superiority shall not exceed Five Pounds Sterling in Value or Amount, to present a Petition to the Lord Ordinary on the Bills, in the Form or as nearly as may be in the Form No. 1. of Schedule (X.) hereto annexed, praying for Warrant of Service on such Person, and for Decree in the Terms set forth in such Petition, and the Lord Ordinary on the Bills shall pronounce an Order for Service of such Petition in Terms or as nearly as may be in Terms of the Interlocutor No. 2. of Schedule (X.) hereto annexed; and if after such Service, and the Expiration of the Days of Intimation, such Person shall not comply with the Demand of the Petition by completing his Title and granting Entry to the Petitioner as aforesaid, or shall not show reasonable Cause to the Lord Ordinary why he delays or refuses so to do, he shall, for himself and his Heirs, whether of Line, Conquest, Taillie, or Provision, forfeit and amit all Right to the said Superiority, and the Lord Ordinary shall pronounce Decree or Judgment accordingly to the Effect of entitling the Petitioner, and his Heirs and Successors in the said Lands, in all Time thereafter to hold the same as Vassals immediately of and under the next Over Superior by the Tenure and for the Reddendo by and for which the forfeited Superiority was held, all in the Form or as nearly as may be in the Form No. 3. of Schedule (X.) hereto annexed; and such Decree or Judgment, and any similar Decree or Judgment which may have been pronounced under any of the Acts of Parliament hereby repealed, when extracted and recorded in the Register of Sasines appropriate to the Lands, shall be held absolutely to extinguish such Right Where Subject Superior's Title incomplete, Owner may in certain Cases apply to Lord Ordinary on the Bills to ordain Superior to complete his Title and grant an Entry under pain of Forfeiture.

Right of Superiority, and shall enable the Petitioner to apply to such Over Superior, as his immediate Superior, for an Entry accordingly; and it is hereby provided, that in the renewed Investiture to be so obtained by the Petitioner under the Authority of the said Decree or Judgment, the Tenendas and Reddendo contained in the Title Deeds of the forfeited Superiority shall be inserted in room of those contained in the Investiture of the Petitioner's Predecessor or Author, and the Lands shall be held by the Petitioner and his Successors according to the Tenure of the forfeited Superiority in all Time thereafter; and the Writ in the Petitioner's Favour shall be expressed, as nearly as may be, in one or other of the Forms given in Schedule (AA.) hereto annexed.

Owner may in such Case apply to Lord Ordinary on Bills to authorize Application for an Entry by the Crown or mediate Over Superior as in vice of the recusant Superior.

105. If in the Case aforesaid the annual Reddendo shall exceed in Value or Amount the Sum of Five Pounds Sterling, or, in the Option of the said Heir, Disponee, Adjudger, or other Party, whether the said annual Reddendo shall exceed the said Sum of Five Pounds Sterling or not, it shall be lawful for such Heir, Disponee, Adjudger, or other Party to present a Petition to the Lord Ordinary on the Bills, in the Form or as nearly as may be in the Form of No. 1. of Schedule (Y.) hereto annexed, praying for Warrant and Decree as there set forth, and the Lord Ordinary shall pronounce an Order for Service, in the Terms or as nearly as may be in the Terms of the Interlocutor given in No. 2. of Schedule (Y.) hereto annexed; and if after such Service and Expiration of the Days mentioned in such Order of Service such Person shall not comply with the Demand of the Petition by completing his Title and granting Entry to such Petitioner as aforesaid, or shall not show reasonable Cause to the Lord Ordinary why he delays or refuses so to do, he shall, for himself and his Heirs, whether of Line, Conquest, Taillie, or Provision, forfeit and amit all Right to the Dues and Casualties payable on the Entry of such Petitioner, who shall also be entitled to retain his Feu Duties or other annual Prestations until fully paid and indemnified for all the Expenses of the Petition and Procedure thereon, and all the Expenses of completing his Title in Terms of this Act; and the Lord Ordinary shall pronounce interim Decree to that Effect, and grant interim Warrant for such Petitioner applying for and obtaining an Entry from the Crown, or, in the Option of the Petitioner, from the mediate Over Superior as acting in the vice of such Superior, all in the Form or as nearly as may be in the Form of No. 3. of Schedule (Y.) hereto annexed; and any Petitioner who shall obtain such Decree under this Act, or who shall have obtained a similar Decree under a Petition presented in virtue of any of the Acts of Parliament hereby repealed, shall be entitled forthwith to lodge,

lodge, along with an Extract of the said Decree, in the Office of the Presenter of Signatures, a Draft of a proposed Writ from the Crown, as in vice of such Superior, with a short Note in Terms of this Act; and such Writ, for which the said Extract Decree shall be a sufficient Warrant, may be in or as nearly as may be in one or other of the Forms given in Schedule (Z.) hereunto annexed, and shall be as effectual as if granted by the mediate Superior of the Feu duly infeft in the Superiority; and, when there is a mediate Over Superior duly infeft, such Extract Decree shall, in the Option of the Petitioner, be directed against such mediate Over Superior, and shall be a sufficient Warrant for Letters of Horning to charge such mediate Over Superior to enter the Petitioner by granting a valid Writ as in vice of such Superior; and after Completion of his Title the Petitioner shall be entitled, if he thinks fit, to lodge, as Part of the Proceedings under his Petition, an Account of the Expenses of that Process, and of completing his Title, and the Lord Ordinary shall, if required on the Part of such Petitioner, modify the Amount thereof, and decern for Retention as aforesaid, in the Form of No. 4. of Schedule (Y.) hereto annexed.

Lands to be held temporarily of the Crown or mediate Superior.

106. The Lands and others contained in such Writ to be so obtained shall be holden of the Crown, or the mediate Over Superior, as in the vice of the unentered immediate Superior, while and so long as he and his Successors, the immediate Superiors thereof, shall remain unentered, and thereafter until a new Entry in favour of the Vassal or his Successors shall become requisite.

The Party in right of the Superiority may lodge a Minute tendering Relinquishment of his Right, and if accepted by the Petitioner the Lord Ordinary may interpone his Authority.

107. When a Petition shall be presented as aforesaid praying for Warrant of Service and for Decree against any Person so having a Right to the Superiority of any Lands, and not having completed his feudal Title thereto, whether the annual Reddendo shall be above or below the Value or Amount of Five Pounds Sterling, it shall be competent for him, at any Time before Expiration of the Days of Intimation, or before interim Decree shall have been extracted as aforesaid, to lodge, as Part of the Proceedings under such Petition, a Minute, signed by himself or by his Mandatory or Agent duly authorized by him in Writing, stating that he tenders Relinquishment of the Right of Superiority which he holds on Apparency in favour of the Petitioner and his Heirs and Successors, and such Minute shall be in the Form or as nearly as may be in the Form No. 1. of Schedule (BB.) hereto annexed; and if the Petitioner shall, by himself or his Counsel or Agent, subscribe or endorse upon such Minute an Acceptance of the same in the Form or as nearly as may be in the Form No. 2. of Schedule (BB.) hereto annexed, the

the Lord Ordinary is hereby authorized and required, on the Petitioner's Motion, to interpone his Authority to such Minute and Acceptance, and to decern and declare the Right of Superiority thus relinquished to be extinguished, to the Effect of making the Petitioner and his Successors in the said Lands hold the Lands as Vassals immediately of and under the Superior of the relinquished Superiority in Permanency and by the Tenure and for the Reddendo by and for which such relinquished Superiority was held, the Decree so to be pronounced to be in the Form or as nearly as may be in the Form No. 3. of Schedule (BB.) hereto annexed; and the said Decree, when extracted, and recorded in the appropriate Register of Sasines, shall entitle the Petitioner and his foresaids to apply for an Entry to such Superior accordingly as his immediate Superior; and in the renewed Investiture to be obtained by the Petitioner under the Authority of the said Decree, the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted in room of those contained in the Investiture of the Petitioner's Predecessor or Author, and the Lands shall be held by himself and his Successors, according to the Tenure of the relinquished Superiority, in all Time thereafter; and the Writ in the Petitioner's Favour may be expressed in one or other of the Forms given in Schedule (AA.) hereto annexed; but nothing herein contained shall be held as rendering it imperative on the Petitioner to accept of the offered Relinquishment, and to take the Place of his immediate Superior, it being hereby provided that if he prefers it he shall be entitled to refuse the same, and to complete his Title by Entry from the Crown, or the mediate Over Superior, as in the vice of his immediate Superior.

Over Superior's Rights not to be extended or affected.

108. The Investiture thus completed upon the Forfeiture of such Heir Apparent, or upon the Relinquishment of the Superiority by such Heir Apparent, and Acceptance by the Petitioner, shall in all respects, and to all Intents and Purposes, be as effectual as if such Apparent Heir had completed his Titles to the Superiority, and thereafter conveyed the same to the Petitioner, and the latter, after completing his Titles under the Over Superior, had resigned *ad remanentiam* in his own Hands: Provided always, that the Title so completed shall not in any respect extend the Interests of such Over Superior, and that he shall be entitled to no more than the Casualties, whether taxed or untaxed, to which he would have been entitled if such Apparent Heir had remained his Vassal.

Vassal obtaining or accepting

109. In the Case of such Forfeiture or Relinquishment of Superiority by any Apparent Heir in manner above mentioned, the Vassal

Vassal obtaining or accepting the same, and making up Titles under the Over Superior, shall be liable, but subject always to Retention of Expenses as aforesaid, for the Value of the said Superiority to the said Heir Apparent, or any Person in his Right, or having Interest, as accords of Law; and such Forfeiture or Relinquishment by such Heir Apparent shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price, if any, which he may receive for such Forfeiture or Relinquishment; and the Vassal, if he accepts thereof, shall not be accountable in any Case for more than the Value or Price of the forfeited or relinquished Right.

Forfeiture or Relinquishment of Superiority to be liable for its Value, but Forfeiture or Relinquishment not to infer Representation.

110. In order to facilitate still further the extinguishing of Mid-superiorities not defeasible by the Vassal, it shall be competent to any Subject Superior, whether himself entered with his Superior or not, and whatever the annual Value of the Reddendo may be, to relinquish his Right of Superiority in favour of his immediate Vassal, by granting a Deed of Relinquishment in the Form or as nearly as may be in the Form of No. 1. of Schedule (CC.) hereto annexed; and on the Deed of Relinquishment being accepted by the Vassal, by an Acceptance written on such Deed in the Form or as nearly as may be in the Form No. 2. of Schedule (CC.) hereto annexed, and being followed by a Writ of Investiture by the Over Superior as herein-after provided, also written upon the Deed of Relinquishment, and on such Deed, with the Acceptance and Writ of Investiture written thereon, whether dated prior or subsequent to the Commencement of this Act, and Warrant of Registration on behalf of the Vassal, also written thereon, being thereafter recorded in the appropriate Register of Sasines, the Superiority so relinquished shall be held to be extinguished, and the Vassal and his Successors in the Lands shall hold the same as immediate Vassals of the Over Superior by the Tenure and for the Reddendo by and for which such relinquished Superiority was held, and the Vassal and his foresaids shall be entitled to apply for an Entry to such Over Superior accordingly as his immediate Superior; and such Relinquishment by a Superior who shall not have completed his Title to the Superiority relinquished shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price or Consideration, if any, which he may receive for such Relinquishment.

Mode of relinquishing Superiorities.

111. On the Application of the Vassal in the relinquished Superiority, and on Production by him of the Deed of Relinquishment, and Acceptance thereof, whether dated prior or subsequent to the Com-

Investiture by Over Superior.

Commencement of this Act, and on his paying or tendering such Duties and Casualties as may be exigible by the Over Superior, the Over Superior shall be bound to receive the Vassal as his immediate Vassal by Writ of Investiture in, or as nearly as may be in the Form of No. 3. of Schedule (CC.), to be written on the Deed of Relinquishment, and the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted therein in room of those contained in the former Investiture held under the relinquished Superiority; and where the Lands are held of the Crown, such Writ of Investiture shall be obtained from Chancery, in the same Manner as is herein-before directed in regard to Confirmations written on the Deeds confirmed: Provided always, that the Party applying for such Writ of Investiture shall lodge or cause to be lodged in the Office of the Presenter of Signatures a Draft of the proposed Writ, in the same Manner as when a Crown Writ is applied for under the Provisions of this Act; and the Deed of Relinquishment with the Acceptance thereon shall be officially transmitted to the Director of Chancery, and the Crown Writ of Investiture engrossed thereon, and recorded in the same Manner in which Crown Writs are to be recorded, and shall thereafter be delivered to the Vassal or his Agent on Payment of the same Fees as are now payable for recording a Writ or Charter in Chancery; and the Investiture completed upon such Relinquishment of the Superiority shall be as effectual as if the Grantor of the Deed of Relinquishment had completed his Title to the Superiority, and had thereafter conveyed the same to the Vassal, and the latter, after having completed his Titles under the Over Superior, had resigned *ad remanentiam* in his own Hands: Provided always, that the Investiture so completed shall not in any respect extend the Rights or Interests of such Over Superior, and that he shall be entitled to no more than the Duties and Casualties, taxed or untaxed, to which he would have been entitled if the Grantor of the Deed of Relinquishment had remained or entered as his Vassal.

Applications of Price of Entailed Superiorities.

112. Where the Right of Superiority, or the Dues and Casualties payable in respect thereof, forfeited or relinquished under the Provisions of this Act, shall form Part of an Estate held under a Deed of strict Entail, such Forfeiture or Relinquishment shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding; and the Price agreed to be paid for such Superiority so forfeited or relinquished, if any, shall be consigned by the Vassal in one of the chartered Banks in *Scotland*, subject to the Orders of the Court of Session, and shall be applicable and applied in such and the like Manner and to such and the like Purposes as Purchase Money or Compensation

sation coming to Parties having limited Interests is made applicable, under the Lands Clauses Consolidation (*Scotland*) Act, 1845, or any Act altering or amending the same, or under the Act of the Eleventh and Twefth *Victoria*, Chapter Thirty-six, intituled *An Act for the Amendment of the Law of Entail in* Scotland, or under an Act of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, intituled *An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty for the Amendment of the Law of Entail in* Scotland; and for that Purpose it shall be competent to the Heir of Entail in Possession to present a summary Petition to the Court of Session, praying to have the Price so applied, and such Petition shall set forth the Names, Designations, and Places of Abode of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail; and on such Petition being served on such Parties, and being intimated in the Minute Book and on the Walls in common Form, it shall be competent for the Court to direct the Price to be applied to such of the said Purposes as may appear to them to be most expedient: Provided always, that where the Sums agreed to be paid for all the Superiorities which form Part of an Entailed Estate shall not in all exceed the Sum of Two hundred Pounds such Sum shall belong to the Heir in Possession, and the Court shall direct such Sums to be paid to him: Provided also, that the Price of such Superiorities may be applied by the Heir in Possession to such Purposes and in such Manner as may be authorized by any Private Act of Parliament authorizing the Sale of the Entailed Estate or any Portion thereof, and the Application of the Price thereof; and where the Lands of which the Superiority is so forfeited or relinquished shall be held by the Vassal under a Deed of strict Entail, the Vassal in such Lands shall be entitled and he is hereby authorized to grant a Bond and Disposition in Security over the Entailed Estate for the full Amount of the Price paid for the forfeited or relinquished Superiority, together with all Expenses incurred in the relative Proceedings, including the estimated Expense of such Bond and Disposition in Security; and his granting such Bond and Disposition in Security shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding: Provided always, that such Bond and Disposition in Security shall be granted with the Consent of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail of the Lands, or under the Authority of a Judicial Warrant or Decree of the Court of Session pronounced on a summary Petition by the Heir of Entail in possession praying for such Warrant; and the Proceedings under such Petition shall be the same or as nearly as may be the same as the Proceedings under

Price of Superiorities of Entailed Lands may be charged on the Entailed Estate.

under a Petition to charge an Entailed Estate with Provisions to younger Children, as authorized by the said Acts of the Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four: Provided always, that it shall not be necessary that such Petition be publicly advertised in the Gazette or any Newspaper, but that Service and Intimation only shall be made in common Form.

Providing for Payment in lieu of Casualties of Superiority in case of Lands conveyed for Religious Purposes.

113. Where no Agreement shall have been made or shall be made with the Superior of Lands of the Nature referred to in the Twenty-sixth Section of this Act for a periodical or other Payment in lieu of the Casualty or Composition payable by Law or in Terms of the Investiture upon the Entry of Heirs and singular Successors, or where the Casualty and Composition shall not have been taxed, and where by Law and under the Terms of the Investiture Composition as on the Entry of a singular Successor would be or but for the Provisions of the said Section would have been payable upon the Entry of any Party or Parties as Successors to the Party or Parties in whose Name the Titles shall have been expede and recorded as provided by the said Section, it shall be lawful for such Superior, at the Death of the existing Vassal in such Lands, and at the Expiration of every Period of Twenty-five Years thereafter, so long as such Lands shall belong to or be held for behoof of such Congregation or Society or Body of Men, to demand and take from such Congregation or Society or Body of Men or other Party or Parties to whom such Lands may have been or shall be feued or conveyed, or by whom the same may be held for their Behoof, a Sum corresponding to the Casualty or Composition, if any such shall in the Circumstances be due, which would have been payable upon the Entry of a singular Successor therein; and such Payments shall be in full of all Casualties of Entry and Composition payable to the Superior for or furth of such Lands, while the same shall remain the Property or be held for behoof of such Congregation or Society or Body of Men, and the Superior shall have all such and the like Preference and Execution for the Recovery of such Sums as Superiors have for the Recovery of Casualties of Superiority according to Law: Provided always, that where such Casualty or Composition shall not have been taxed in the Investiture, and the Lands so feued or conveyed shall not be situated in a Town or Village or in the immediate Vicinity thereof, the Casualty or Composition payable therefor shall be held to be the annual Rent or annual Value of the Lands so feued or conveyed, if let as an agricultural Subject at the Time when such Casualty or Composition shall become due and exigible in virtue of this Act.

114. Writs

Writs of Confirmation, &c. by Subject Superiors to be tested.

114. Writs of Confirmation, and Writs of Resignation, and Writs of Clare constat, and all other Writs or Charters granted in Terms of this Act by Subject Superiors, shall be authenticated in the Form required by the Law of *Scotland* in the Case of ordinary Conveyances.

Charters and Writs to operate as Confirmation of all prior Conveyances, &c.

115. Every Charter and Writ whether from the Crown or from a Subject Superior of whatever Description shall operate a Confirmation of the whole prior Deeds and Conveyances necessary to be confirmed in order to complete the Investiture of the Person obtaining such Writ or Charter.

Stamp Duty on Writs of Confirmation, &c.

116. The Stamp Duty chargeable on Writs of Confirmation, Writs of Resignation, Writs of Clare constat, and Writs of Investiture, granted or to be granted in virtue of this Act, except Crown Writs, and on Writs of Acknowledgment under "The Registration of Leases (*Scotland*) Act," shall be the same as that chargeable on Charters of Confirmation, Charters of Resignation, and Precepts of Clare constat by Subject Superiors, and the said Duty may be paid by means of adhesive Stamps to be provided for that Purpose by the Commissioners of Inland Revenue, who may from Time to Time make such Rules as may seem fit for regulating the Use of such Stamps, and for insuring the proper Cancellation thereof.

Heritable Securities to form Moveable Estate;

except where conceived in favour of Heirs, excluding Executors,

117. From and after the Commencement of this Act no Heritable Security granted or obtained either before or after that Date shall, in whatever Terms the same may be conceived, except in the Cases herein-after provided, be heritable as regards the Succession of the Creditor in such Security, and the same, except as herein-after provided, shall be moveable as regards the Succession of such Creditor, and shall belong after the Death of such Creditor to his Executors or Representatives *in mobilibus*, in the same Manner and to the same Extent and Effect as such Security would, under the Law and Practice now in force, have belonged to the Heirs of such Creditor: Provided always, that where any Heritable Security is or shall be conceived expressly in favour of such Creditor, and his Heirs or Assignees or Successors, excluding Executors, the same shall be heritable as regards the Succession of such Creditor, and shall after the Death of such Creditor belong to his Heirs in the same Manner and to the same Extent and Effect as is the Case under the existing Law and Practice in regard to Heritable Securities: And provided also, that where a Creditor in any existing or future Security recorded, or on which an Instrument has followed recorded in the Register of Sasines, shall desire to exclude

exclude Executors, it shall be competent for him to do so by executing a Minute in the Form or as nearly as may be in the Form of Schedule (DD.) hereto annexed, and recording the same in the appropriate Register of Sasines, and upon such Minute being recorded the Security to which it refers shall be heritable in the Manner and to the Extent and Effect herein-before provided; and further, provided that where in any existing or future Security which has not been recorded, or followed by an Instrument recorded in the Register of Sasines, or where in the Case of any Conveyance or Deed of or relating to such Security not recorded in the Register of Sasines, the Creditor shall desire to exclude Executors, it shall be competent for him to do so by endorsing a Minute, in the Form or as nearly as may be in the Form of Schedule (DD.) hereto annexed, on the Security or on the Deed or Conveyance thereof in his Favour which has not been recorded as aforesaid, and recording the same, along with such Security or with such Deed or Conveyance as the Case may be, in the appropriate Register of Sasines, and upon such Security or Deed or Conveyance, as the Case may be, and Minute being so recorded the Security shall be heritable in the Manner and to the Extent and Effect herein-before provided; and, where Executors shall be excluded in the Security, or by Minute recorded as aforesaid, the Security shall continue to be heritable as regards the Succession of the Creditor for the Time holding such Heritable Security, until the Exclusion of Executors shall be removed, which it shall be lawful for such Creditor to do either by executing a Minute in the Form or as nearly as may be in the Form of Schedule (EE.) hereto annexed, and recording the same in the appropriate Register of Sasines, whereupon the Security shall become moveable as regards the Succession of such Creditor, as provided by this Act, or by assigning, conveying, or bequeathing such Security to himself or to any other Person, without expressing or repeating such Exclusion, and upon such Assignation, Conveyance, or Bequest taking effect, the Security shall become moveable as regards the Successsion of such Creditor or other Person as the Case may be, as provided by this Act: And further, provided that all Heritable Securities shall continue, and shall be heritable *quoad fiscum*, and as regards all Rights of Courtesy and Terce competent to the Husband or Wife of any such Creditor, and that no Heritable Security, whether granted before or after Marriage, shall to any Extent pertain to the Husband *jure mariti*, where the same is or shall be conceived in favour of the Wife, or to the Wife *jure relictæ*, where the same is or shall be conceived in favour of the Husband, unless the Husband or Relict has or shall have Right and Interest therein otherwise; declaring, nevertheless, that this Provision shall in no way prejudice the Rights and Interests of Wife

and quoad fiscum.

Not to belong to Husband jure mariti, nor to Wife jure relictæ.

Wife or Husband, or of the Creditors of either, in or to the by-gone Interest and annual Rents due under any such Heritable Security and *in bonis* of the Husband or Wife respectively prior to his or her Death; and further provided, that where Legitim is claimed on the Death of the Creditor no Heritable Security shall to any Extent be held to be Part of the Creditor's moveable Estate in computing the Amount of the Legitim.

Nor to be computed in Legitim.

118. From and after the Commencement of this Act it shall be lawful and competent for any Person entitled to grant an Heritable Security by way of Bond and Disposition in Security to grant the same in the Form or as nearly as may be in the Form No. 1. of Schedule (FF.) hereto annexed; and the Registration of such Bond and Disposition in Security, or of any Bond and Disposition in Security, granted according to any of the Forms competent or in use prior to the Commencement of this Act, shall be as effectual and operative to all Intents and Purposes as if such Bond and Disposition in Security had contained, in the Case of Lands not held by Burgage Tenure an Obligation to infeft *a me vel de me*, Procuratory of Resignation, and Precept of Sasine, and in the Case of Lands held by Burgage Tenure an Obligation to infeft *more burgi*, and a Procuratory of Resignation, all in the Words and Form in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, and as if Sasine or Resignation and Sasine, as the Case may be, had been duly made, accepted, and given thereon in favour of the original Creditor, and an Instrument of Sasine or of Resignation and Sasine, as the Case may be, in favour of such Creditor had been duly recorded in the appropriate Register of Sasines of the Date of the Registration of the said Bond and Disposition in Security as aforesaid.

Bonds and Dispositions in Security may be granted in the Form No. 1. of Schedule (FF.)

119. The Import of the Clauses of the Form of No. 1. of the said Schedule (FF.) occurring in any Bond and Disposition in Security, whether granted before or after the Commencement of this Act, shall be as follows; *videlicet*, the Clause obliging the Grantor to pay the Amount due under the Bond, Principal Interest and Penalty, to the Creditor, his Heirs, Executors, or Assignees, shall, unless where Executors are excluded, be held to import an Obligation to pay the same to the Creditor and his Representatives *in mobilibus* and his Assignees, and, where there is or shall be such Exclusion, to the Creditor and his Heirs and Assignees; the Clause disponing the Lands to such Creditor and his foresaids heritably shall, unless where Executors are excluded, be held to import a Disposition of such Lands to such Creditor and his Representatives *in mobilibus* and his Assignees, and, where there is or shall be no such Exclusion, to

Explanation of Clauses in Schedule (FF.) No. 1.

to such Creditor and his Heirs and Assignees, in Security, in manner specified in the Bond and Disposition in Security, with all the Rights and Powers at present competent to a Creditor and his Heirs under such a Security; the Clause of Assignation of Rents shall be held to import an Assignation to the Creditor and his Representatives *in mobilibus* or his Heirs as the Case may be, and to his Assignees, to the Rents to become due or payable from and after the Date from which Interest on the Sum in the Security commences to run, in the fuller Form generally in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, including therein a Power to the Creditor and his foresaids on default in Payment to enter into Possession of the Lands disponed in Security and uplift the Rents thereof, or to uplift the Rents thereof if the Lands are not disponed in Security, and to insure all Buildings against Loss by Fire, and to make all necessary Repairs on the Buildings, subject to accounting to the Debtor for any Balance of Rents actually recovered beyond what is necessary for Payment to such Creditor and his foresaids of the Sums, Principal, Interest, and Penalty due to him or them under such Security, and of all Expenses incurred by him or them in reference to such Possession, including the Expenses of Management, Insurance, and Repairs; and the Clause of Assignation of Writs shall be held to import an Assignation to the Creditor and his foresaids to Writs and Evidents to the same Effect as in the fuller Form generally in use in a Bond and Disposition in Security with Power of Sale prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven; and the Clause of Warrandice shall be held to import absolute Warrandice as regards the Lands and the Title Deeds thereof, and Warrandice from Fact and Deed as regards the Rents; and the Clause consenting to Registration for Preservation and Execution shall have the Meaning and Effect assigned to such Clause in the One hundred and thirty-eighth Section of this Act; the Clauses reserving Right of Redemption, and obliging the Grantor to pay the Expenses of assigning or discharging the Security, and, on default in Payment, granting Power of Sale, shall have the same Import, and shall be in all respects as valid, effectual, and operative, as if it had been in such Bond and Disposition in Security specially provided and declared that the Lands and others thereby disponed, should be redeemable by the Grantor from the Grantee, at the Term and Place of Payment, or at any Term of *Whitsunday* or *Martinmas* thereafter, upon Premonition of Three Months, to be made by the Grantor to the Grantee, personally or at his Dwelling Place, if within *Scotland*, and if furth thereof at the Time, then at the Office of the Keeper of the Record of Edictal Citations within the General Register House,

Clauses reserving Right of Redemption, and of Obligation to pay Expense of Assignation or Discharge and Power of Sale, valid, &c.

House, *Edinburgh*, in Presence of a Notary Public and Witnesses, and that by Payment to him of the whole Principal Sum payable under the Bond and Disposition in Security, Interest due thereon, and liquidated Expenses and termly Failures corresponding thereto, if incurred, and, in case of his Absence or Refusal to receive the same, by Consignation thereof in the Bank specified in the Security, if any Bank shall be so specified, and if not then in one or other of the Banks in *Scotland* incorporated by Act of Parliament or Royal Charter, having an Office or Branch at the Place of Payment, to be made furthcoming on the Peril of the Consigner, the Place of Redemption to be within the Office of such Bank or Branch thereof; and as if it had been thereby further provided and declared that any Discharge and Renunciation, Disposition and Assignation, or other Deed necessary to be granted by the Grantee upon the Grantor making Payment and redeeming as aforesaid, and also the recording thereof, should always be at the Expense of the Grantor; and as if it had been thereby further provided and declared that if the Grantor should fail to make Payment of the Sums that should be due by the personal Obligation contained in the said Bond and Disposition in Security, within Three Months after a Demand of Payment intimated to the Grantor, whether of full Age or in Pupillarity or Minority, or although subject to any legal Incapacity, personally or at his Dwelling Place if within *Scotland*, or if furth thereof at the Office of the Keeper of the Record of Edictal Citations above mentioned, in Presence of a Notary Public and Witnesses, and which Demand for Payment may be in or as nearly as may be in the Form of No. 2. of Schedule (FF.) hereto annexed, and a Copy thereof certified by such Notary Public in the Form of No. 3. of Schedule (FF.) hereto annexed, shall be sufficient Evidence of such Demand, then and in that Case it should be lawful to and in the Power of the Grantee, immediately after the Expiration of the said Three Months, and without any other Intimation or Process at Law, to sell and dispose, in whole or in Lots, of the said Lands and others, by Public Roup at *Edinburgh* or *Glasgow*, or at the Head Burgh of the County within which the said Lands and others, or the chief Part thereof, are situated, or at the Burgh or Town sending or contributing to send a Member to Parliament which, whether within or without the County, shall be nearest to such Lands, or the chief Part thereof, on previous Advertisement stating the Time and Place of Sale, and published once weekly for at least Six Weeks subsequent to the Expiry of the said Three Months, in any Newspaper published in *Edinburgh*, or in *Glasgow*, and also in every Case in a Newspaper published in the County in which such Lands are situated, or if there be no Newspaper

paper published in such County, then in any Newspaper published in the next or a neighbouring County, and a Certificate by the Publishers of such Newspapers for the Time shall be *primâ facie* Evidence of such Advertisement, the Grantee being always bound, upon Payment of the Price, to hold count and reckoning with the Grantor for the same, after Deduction of the Principal Sum secured, Interest due thereon, and liquidated Penalties corresponding to both which may be incurred, and all Expenses attending the Sale, and for that end to enter into Articles of Roup, to grant Dispositions containing all usual and necessary Clauses, and in particular a Clause binding the Grantor of the said Bond and Disposition in Security, in absolute Warrandice of such Dispositions, and obliging him to corroborate and confirm the same, and to grant all other Deeds and Securities requisite and necessary by the Laws of *Scotland* for rendering such Sale or Sales effectual, in the same Manner and as amply in every respect as the Grantor could do himself; and as if it had been thereby further provided and declared that the said Proceedings should all be valid and effectual, whether the Debtor in the said Bond and Disposition in Security for the Time should be of full Age, or in Pupillarity or Minority, or although he should be subject to any legal Incapacity, and that such Sale or Sales should be equally good to the Purchaser or Purchasers as if the Grantor himself had made them, and also that in carrying such Sale or Sales into execution it should be lawful to the Grantee to prorogate and adjourn the Day of Sale from Time to Time as he should think proper, previous Advertisement of such adjourned Day of Sale being given in the Newspapers above mentioned, once weekly for at least Three Weeks; and as if the Grantor had bound and obliged himself to ratify, approve of, and confirm any Sale or Sales that should be made in consequence thereof, and to grant absolute and irredeemable Dispositions of the Lands and others so to be sold to the Purchaser, and to execute and deliver all other Deeds and Writings necessary for rendering their Rights complete.

Securities may be registered during Lifetime of Grantee, or Title completed after his Death.

120. Heritable Securities, whether dated before or after the Commencement of this Act, may be registered in the appropriate Register of Sasines at any Time during the Lifetime of the Grantee, and shall in Competition be preferred according to the Date of the Registration thereof: Provided always, that if an Heritable Security has not been so registered in the Lifetime of the Grantee, such Heritable Security shall be as full and sufficient Warrant for Completion of the Title in favour of the Party having Right thereto, as if it had been a Bond and Disposition in Security, containing Precept of Sasine and other Clauses, in the ordinary Form in use prior to the Thirtieth

Thirtieth Day of *September* One thousand eight hundred and forty-seven, which Title may be completed as after provided, or by Service or Notarial Instrument as the Circumstances of the Case may require.

Sale carried through in Terms of this Act to be valid to the Purchaser.

121. Any Sale duly carried through in Terms of the Heritable Security and of this Act, or partly in Terms of any Act now in force and partly in Terms of this Act if the Proceedings shall have been begun before the Commencement of this Act, shall be as valid and effectual to the Purchaser as if made by the Grantor of the Security himself, and that whether the Grantor shall have died before or after such Sale, and without the Necessity of Confirmation by him or his Successors, and notwithstanding that the Party Debtor in the Security and in right of the Lands at the Time shall be in Pupillarity or Minority, or subject to any legal Incapacity: Provided always, that nothing herein contained shall be held to affect or prejudice the Obligation of the Grantor and his Successors to execute, or the Right of the Creditor or Purchaser to require the Grantor and his Successors to execute, any Deed or Deeds which, independently of this Enactment, would at Common Law be necessary for rendering the Sale effectual, or otherwise completing in due Form the Titles of such Purchaser.

Creditors selling to count and reckon for the Surplus of the Price and to consign the same in the Bank.

122. The Creditor, upon Receipt of the Price, shall be bound to hold Count and Reckoning therefor with the Debtor and postponed Creditors, if any such there be, or with any other Party having Interest, and to consign the Surplus which may remain, after deducting the Debt secured, with the Interest due thereon and Penalties incurred and Expenses in reference to the Possession of the Estate if such Creditor has been in possession, including Expense of Insurance, Repairs, and Management, and whole Expenses attending such Sale, and after paying all previous Incumbrances and the Expense of discharging the same, in one or other of the said Banks, or in a Branch of any such Bank, in the joint Names of the Seller and Purchaser, for behoof of the Party or Parties having best Right thereto; and the particular Bank in which such Consignation is to be made shall be specified in the Articles of Roup.

On Sale and Consignation of Surplus, Lands to be disencumbered of the Security.

123. Upon a Sale being carried through in Terms of this Act, and upon Consignation of the Surplus of the Price, if any be, as aforesaid, the Disposition by the Creditor to the Purchaser shall have the Effect of completely disencumbering the Lands and others sold, of all Securities and Diligences posterior to the Security of such Creditor, as well as of the Security and Diligence of such Creditor himself.

124. Where

Securities to be transferred in the Form prescribed.

124. Where an Heritable Security, whether dated before or after the passing of this Act, has been constituted by Infeftment, whether such Infeftment has been taken by recording the Security or an Instrument thereon in the appropriate Register of Sasines in Terms of this Act or any of the repealed Acts, or by any Mode competent or in use prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, in the appropriate Register of Sasines, the Right of the Creditor therein may be transferred, either in whole or in part, by an Assignation or other Conveyance in the Form, or as nearly as may be in the Form of Schedule (GG.) hereto annexed; and on such Assignation or Conveyance being recorded in the appropriate Register of Sasines, the said Security or Part of such Security, as the Case may be, shall be transferred to the Assignee as effectually as if such Security had been disponed and assigned, and the Disposition and Assignation or Conveyance had been followed by Sasine duly recorded according to the Law and Practice prior to the First Day of *October* One thousand eight hundred and forty-five at the Date of recording such Assignation or Conveyance; and such Assignee or Disponee shall thereupon be held to be as fully entered as if he had obtained a Renewal of the Investiture in his Favour, according to the Law and Practice in use before that Date: Provided always, that where the Assignation or Conveyance of an Heritable Security constituted as aforesaid is contained in any other Conveyance or Deed, it shall not be necessary to record the whole of such Conveyance or Deed, but it shall be sufficient to expede and record in the appropriate Register of Sasines a Notarial Instrument in the Form or as nearly as may be in Form of Schedule (HH.) hereto annexed, and upon such Notarial Instrument being recorded the Person or Persons expeding the same shall be in the same Position as if the Assignation or Conveyance of the Heritable Security on which it proceeds had been itself recorded as of the Date of recording the said Instrument.

When Conveyance of Heritable Security is contained in a general Deed of Conveyance, the whole such Deed need not be recorded.

Completion of Title of Executors or Executor nominate, or Disponee or Legatee of an Heritable Security, or of Heir where Executors excluded.

125. Upon the Death of any Creditor in right of an Heritable Security, constituted by Infeftment as aforesaid, from which Executors shall not have been excluded, who shall die leaving a Testamentary or *mortis causa* Deed or Writing naming Executors, or disponing or bequeathing his Moveable Estate to Disponees, or disponing or bequeathing the Security to Legatees, it shall be competent for the Executors or Disponees, duly confirmed, or for the Legatees, as the Case may be, to complete a Title thereto by a Writ of Acknowledgment to be granted in their Favour by the Debtor in the said Security infeft in the Lands comprehended therein, in or as nearly as may be in the Form set forth in Schedule (II.) hereto annexed; and when the Executors or Disponees

Disponees (being more than One) shall be appointed under such Deed or Writing for holding the Moveable Estate of the Deceased in trust for the Purposes of the Deed or Writing, and not wholly for their own beneficial Interest, it shall be competent (when not expressly precluded by the Terms of the Deed or Writing) to take the said Writ in favour of the said Executors or Disponees, and the Survivors or Survivor of them; and where any Creditor has died or shall die before the Commencement of this Act in right of such an Heritable Security, or where any Creditor shall die thereafter in right of such an Heritable Security, from which Executors shall have been excluded, it shall be competent for the Heir of such Creditor to complete a Title to the Security by a Writ of Acknowledgment as aforesaid; and on such Writ being recorded in the appropriate Register of Sasines, the Executors, Disponees, or Legatees, or Heirs, as the Case may be, in whose Favour such Writ has been granted, shall be vested with the full Right of the Creditor in such Security, and shall be held to be entered with the Superior in like Manner and to the same Effect as the original Creditor himself.

Completion of Title of Executors, &c. of Creditor dying intestate.

126. Upon the Death of any Creditor who shall die intestate in right of an Heritable Security constituted by Infeftment as aforesaid, from which Executors shall not have been excluded, it shall be competent to the Executors duly confirmed to such deceased Creditor to complete a Title to such Security by expeding and recording an Instrument under the Hands of a Notary Public in the Form or as nearly as may be in the Form set forth in Schedule (JJ.) hereto annexed; and when the Executors (being more than One) duly confirmed as aforesaid shall not be entitled to the Deceased's Moveable Estate wholly for their own Beneficial Interest, it shall be competent to take such Notarial Instrument in favour of the said Executors and the Survivors or Survivor of them; and on such Instrument being recorded in the appropriate Register of Sasines such Executors or Executor shall be held to be vested with the full Right of the Creditor in such Security, and to be entered with the Superior in the same Manner and to the same Effect as the original Creditor himself.

Executor nominate or Disponee *mortis causa* may complete Title by Notarial Instrument.

127. Upon the Death of any Creditor in right of an Heritable Security constituted by Infeftment as aforesaid, from which Executors shall not have been excluded, and who shall die leaving a Testamentary or *mortis causa* Deed or Writing naming Executors, or disponing or bequeathing his moveable Estate to Disponees, or disponing or bequeathing the Security to Legatees, it shall be competent for the Executors or Disponees, duly confirmed, or for the Legatees, as the Case may be, to complete a Title thereto by expeding and recording in the appropriate Register of Sasines an Instrument

under the Hands of a Notary Public in the Form or as nearly as may be in the Form of Schedule (KK.) hereto annexed; and when such Executors or Disponees or Assignees or Legatees, being more than One, shall not be entitled to such Security wholly for their own Beneficial Interest, it shall be competent to take such Notarial Instrument in favour of such Executors or Disponees or Assignees or Legatees, and the Survivors and Survivor of them, unless such a Destination be expressly excluded by the Terms of the Conveyance or Deed or Writing; and where any Creditor has died or shall die before the Commencement of this Act in right of such an Heritable Security and leaving a *mortis causa* Conveyance thereof or of his Heritable Estate generally, or where any Creditor shall die thereafter in right of such an Heritable Security from which Executors shall have been excluded, and leaving such a *mortis causa* Conveyance, or a Testamentary Deed or Writing within the Meaning of the Twentieth Section of this Act, it shall be competent to the Grantee or Legatee under such *mortis causa* Conveyance or Testamentary Deed or Writing to complete a Title to the Security by Notarial Instrument as aforesaid; and on such Instrument being so recorded the Executors, Disponees, Legatees, or Grantees, as the Case may be, in whose Favour such Instrument has been expede shall be vested with the full Right of the Creditor in such Security, and shall be held to be entered with the Superior in like Manner and to the same Effect as the original Creditor himself.

Form of completing Title of Heir where Executors are excluded.

128. Where any Creditor has died or shall die before the Commencement of this Act in right of an Heritable Security constituted by Infeftment as aforesaid, or where any Creditor shall die thereafter in right of such an Heritable Security from which Executors shall have been excluded, it shall be competent for the nearest and lawful Heir of such Creditor who, according to the present Law and Practice, would be entitled to succeed to such Security, on obtaining a Decree of General or Special Service in the proper Character, to complete his Title thereto by expeding and recording an Instrument under the Hands of a Notary Public, in the Form or as nearly as may be in the Form, adapted to the Circumstances, of Schedule (JJ.) hereto annexed; and on such Instrument being recorded in the appropriate Register of Sasines, such Heir shall be taken to be vested with the full Right of the Creditor in such Security, and to be entered with the Superior, in the same Manner and to the same Effect as the original Creditor himself.

Adjudgers may complete their Title by recording

129. In all Cases of Adjudication, whether for Debt or in Implement, or of Constitution and Adjudication, whether for Debt or in Implement, in which the Adjudger has obtained a Decree of Adjudication

Adjudication or of Constitution and Adjudication, in the Manner and to the Effect provided by this Act, where the Subjects contained in such Decree are Heritable Securities, it shall be competent for the Adjudger to complete his Title to such Securities either by recording the Abbreviate of Adjudication in the appropriate Register of Sasines, which Registration shall have the same Effect as if at the Date thereof the Adjudger had been entered and infeft on a Charter of Adjudication, or by recording the said Decree in the appropriate Register of Sasines, in which Case he shall be in the same Position as if an Assignation of such Heritable Securities had been granted in his Favour by the Ancestor or Person whose Estate is adjudged, and as if such Assignation had been duly recorded in the appropriate Register of Sasines at the Date of so recording such Decree.

Abbreviate of Adjudication.

130. In the event of an Heritable Security from which Executors shall not have been excluded, dated before or after the Commencement of this Act, not being constituted by Infeftment during the Lifetime of the Grantee, or of any Assignation, dated before or after the Commencement of this Act, of a Security from which Executors shall not have been excluded but which has been constituted by Infeftment, not being completed by Infeftment during the Lifetime of the Assignee, and where such Grantee or Assignee shall be in Life at the Commencement of this Act, such Security or Assignation shall form a Warrant for an Instrument in the Form or as nearly as may be in the Form of Schedule (MM.) hereto annexed under the Hands of a Notary Public, being passed upon the same in favour of the Executors of the Creditor duly confirmed, whether the same be Executors nominate or Executors dative, or in favour of the Disponees or Assignees of such Security or of the Moveable Estate of such Creditor under any Deed or Conveyance *inter vivos* or *mortis causa*, or in favour of any Legatees of such Security; and where such Executors or Disponees or Assignees, being more than One, shall not be entitled to such Security wholly for their own beneficial Interest, it shall be competent to take such Notarial Instrument in favour of such Executors or Disponees or Assignees, and the Survivors or Survivor of them, unless such a Destination be expressly excluded by the Terms of the Conveyance, or Deed, or Writing; and where Executors shall be excluded from such Security or the Creditor has died before the Commencement of this Act, the Security or Assignation, as the Case may be, shall form a Warrant for a Notarial Instrument as aforesaid, in favour of any Disponees or Assignees or Legatees of such Security or of the Heritable Estate of such Creditor under any Deed or Conveyance by him *inter vivos* or *mortis causa*, or under any

Unregistered Security or Assignation to be available to Executors, &c. of Grantee.

any Testamentary Deed or Writing by him within the Meaning of the Twentieth Section of this Act, or in favour of the Heirs of such Creditor having Right to the Security by Decree of General or Special Service as Heir to such Creditor; and on such Instrument being recorded in the appropriate Register of Sasines, the Executors or Disponees or Assignees or Legatees or Heirs, as the Case may be, in whose Favour such Instrument is expede, shall be vested with the full Right of the Creditor in such Security, and shall be held to be entered with the Superior in like Manner and to the same Effect as the original Creditor himself.

This Act not to affect Liability of Debtors on their Lands.

131. Nothing contained in this Act shall affect or interfere with the present Law and Practice in regard to the Liability of the Lands contained in any Security, or of the Debtor, or with the Rights and Remedies of the Creditor, or of the Creditors of the Creditor.

How any Heritable Security may be renounced or discharged.

132. Any Heritable Security, whether dated before or after the Commencement of this Act, constituted by Infeftment as aforesaid, may be effectually renounced and discharged, in whole or in part, and the Lands therein contained effectually disburdened of the same, by a Discharge in the Form or as nearly as may be in the Form of Schedule (NN.) hereto annexed, and by the Registration of such Discharge in the appropriate Register of Sasines, as aforesaid.

Heritable Security how restricted.

133. Any Heritable Security constituted as aforesaid may be restricted, as regards any Portion of the Lands therein contained, by a Deed of Restriction in the Form or as nearly as may be in the Form of Schedule (OO.) hereto annexed, and on such Deed of Restriction being recorded in the appropriate Register of Sasines the Security shall be restricted accordingly to the Lands therein contained, other than those discharged by such Deed of Restriction, which Lands thereby discharged shall be released from the Security to the same Effect as if the same had never been contained in such Security.

Act to apply to all Heritable Securities.

134. The whole Provisions, Enactments, and Forms of this Act relative to Bonds and Dispositions in Security shall be taken to apply and shall apply as nearly as may be to all Heritable Securities, unless in so far as such Provisions, Enactments, or Forms may be inapplicable to the Form or Objects of such Securities.

Parties may use the present Forms if they see fit.

135. Nothing in this Act contained shall prevent the Constitution, Transmission, or Extinction of Heritable Securities in the Forms in use prior to the First Day of *October* One thousand eight hundred and forty-five.

136. Nothing

Fees to be taken by Town Clerks of Royal Burghs and Keepers of Registers in Office at 1st Oct. 1845, during their respective Rights of Office, &c.

136. Nothing herein contained shall be construed to prevent the Town Clerks of Royal Burghs in *Scotland* who were appointed to their respective Offices prior to the First Day of *October* One thousand eight hundred and forty-five, during the Existence of their respective Rights of Office, from exacting and receiving the same Fees in respect of the recording of Assignations or Conveyances of a Bond and Disposition in Security, or of Abbreviates of Adjudication, Writs of Acknowledgment, or Instruments for completing a Title to such Securities under this Act, as the same Town Clerks would before the said First Day of *October* One thousand eight hundred and forty-five have been legally entitled to exact or receive on their own Account, in respect of passing the Infeftments within Burgh, and preparing and recording the Instruments of Sasine and Resignation rendered unnecessary by such Assignations, Conveyances, Writs of Acknowledgment, Instruments or Abbreviates of Adjudication as aforesaid; and also nothing shall be construed to prevent the said Town Clerks who were appointed to their respective Offices prior to the Thirtieth Day of *September* One thousand eight hundred and forty-seven, during the Existence of their respective Rights of Office, from exacting and receiving the same Fees in respect of recording Bonds and Dispositions in Security, or other Deeds constituting Heritable Securities, over Lands held Burgage, as the same Town Clerks would prior to that Date have been legally entitled to exact or receive on their own Account, in respect of passing the Infeftment within Burgh, and preparing and recording the Instruments of Sasine and Resignation on such Bonds and Dispositions in Security or other Deeds: Provided always, that in computing the said Fees such Instruments of Sasine and Resignation shall not be computed as of greater Length than the Writings actually recorded whereby such Instruments of Sasine and Resignation have been rendered unnecessary; and all other Keepers of Registers of Sasines who were in Office on the First Day of *October* One thousand eight hundred and forty-five and on the Thirtieth Day of *September* One thousand eight hundred and forty-seven respectively as aforesaid shall, during the Existence of their respective Rights of Office, or, until otherwise regulated by Law, upon the Registration by them of each Assignation, Conveyance, Writ of Acknowledgment, Abbreviate of Adjudication, or Instrument aforesaid, for transferring or completing the Title to such Securities, or of each Bond and Disposition in Security or other Deed registered under the Provisions of this Act, be entitled to the same Fees as such Keeper would have been entitled to upon the Registration of an Instrument of Sasine of the same Length in favour of the same Party in reference to the same Right, and to no other or further Fee whatever.

137. The

This Act to apply to Lands held by any Description of Tenure.

137. The whole of this Act shall apply to Lands by whatever Tenure the same may be held, except in so far as any of the Provisions of this Act shall be limited expressly or by necessary Implication to Lands held by One particular Tenure.

Short Clauses of Consent to Registration may be used in any Deed.

138. The short Clauses of Consent to Registration for Preservation, and for Preservation and Execution, contained in Forms Numbers 1 and 2 of Schedule (B.) hereto annexed, when occurring in any Deed or Conveyance under this Act, or in any Deed or Writing or Document of whatsoever Nature, and whether relating to Lands or not, shall unless specially qualified import a Consent to Registration and a Procuratory of Registration in the Books of Council and Session, or other Judges Books competent, therein to remain for Preservation; and also, if for Execution, that Letters of Horning, and all necessary Execution, shall pass thereon, upon Six Days Charge, on a Decree to be interponed thereto in common Form.

Females may act as instrumentary Witnesses.

139. It shall be competent for any Female Person of the Age of Fourteen Years or upwards, and not subject to any legal Incapacity, to act as an instrumentary Witness in the same Manner as any Male Person of that Age, who is subject to no legal Incapacity, can act according to the present Law and Practice, and it shall not be competent to challenge any Deed or Conveyance or Writing or Document of whatever Nature whether executed before or after the passing of this Act on the Ground that any instrumentary Witness thereto was a Female Person.

Additional Sheets may be added to Writs.

140. In all Cases where Writs or Deeds of any Description are by this or any other Act permitted or directed to be engrossed on any Conveyance or Deed, it shall be competent, when necessary, to engross such Deeds or Writs on a Sheet or Sheets of Paper, or of whatever other Material the Conveyance itself consists, added to such Conveyance, provided that the engrossing of the Deed or Writ shall be commenced on some Part of the Conveyance or Deed itself on which it is permitted or directed to be engrossed; and the first of such additional Sheets shall be chargeable with the Stamp Duty applicable to the Writ or Deed partly engrossed thereon, and subsequent Sheets (if any) shall be chargeable with the appropriate progressive Duty.

All Deeds, &c. recorded in Register of Sasines to have Warrants of Registration endorsed, ex-

141. All Conveyances and Deeds, and all Writings whatsoever which may be recorded in any Register of Sasines, shall, previous to being presented for Registration, have a Warrant of Registration endorsed or written thereon in or as nearly as may be in such one or other of the Forms of Warrants of Registration contained in the following Schedules hereto annexed, *viz.* Schedule (F.) No. 2. and

Schedule

Schedule (H.) No. 1, 2, and 3, as may be applicable to the particular Conveyance, Deed, or Writing so to be presented, which Warrant shall in every Case specify the Person or Persons on whose Behalf the Conveyance, Deed, or Writing is presented for Registration, and in the Case of Lands not held by Burgage Tenure the Register or Registers of the County or Counties, and in the Case of Lands held by Burgage Tenure the Register or Registers of the Burgh or Burghs in which the Lands to which such Conveyance or Deed or Writing has reference are situated, and shall be signed by such Person or Persons, or by his or their Agent or Agents, and in the latter Case the Warrant may be signed either by an individual Agent or by the Subscription of any Firm of which such Agent may be a Partner: Provided always, that nothing herein contained shall render it necessary to have a Warrant of Registration endorsed or written upon any Conveyance, Deed, or Writing of or relating to Lands held by Burgage Tenure which according to the existing Law or Practice may be recorded in any Burgh Register without such Warrant. cept certain Burgage Deeds.

142. All Conveyances and Deeds, and all Instruments hereby authorized to be recorded in the Register of Sasines, may, with Warrants of Registration written thereon respectively, be recorded at any Time in the Life of the Person on whose Behalf the same shall be presented for Registration, in the same Manner as Instruments of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, or Notarial Instruments, are at present recorded, and the same when presented for Registration shall be forthwith shortly registered in the Minute Books of the said Register in common Form, and shall with all due Despatch be fully registered in the Register Books, and thereafter re-delivered to the Parties with Certificates of due Registration thereon, which shall specify the Date of Presentation, and the Book and Folios in which the Engrossment has been made, and shall be subscribed by the Keeper of the Register, and shall be probative of such Registration, and when so registered shall in Competition be preferable according to the Date of Registration, and the Date of Entry in the Minute Book shall be held to be the Date of Registration; provided, that where Two or more Deeds or Conveyances transmitted by Post in Terms of "The Land Writs Registration (*Scotland*) Act, 1868," shall be received by the Keeper of the Register of Sasines at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and Hour, and such Deeds and Conveyances shall be deemed and taken to be presented and registered contemporaneously; and Extracts of all such Conveyances or Deeds, Warrants of Registration, and Instruments so recorded shall make Faith Recording of Conveyances in the Register of Sasines authorized.

Faith in all Cases as the recorded Conveyances or Deeds, Warrants, and Instruments themselves would have done, except where any such Conveyance or Deed, Warrant, or Instrument so recorded shall be offered to be improven.

Conveyances and Instruments may be recorded of new.

143. In case of any Error or Defect in any Instrument or in the recording of any Deed or Conveyance, or of any Warrant of Registration, recorded or to be recorded in any Register of Sasines, or in any Warrant of Registration thereon, or in the recording of such Warrant, it shall be competent of new to make and record such Instrument, or of new to record the Deed or Conveyance with the original or a new Warrant of Registration, as the Case may require.

Recorded Instruments not to be challenged on the ground of Erasures.

144. The Act of the Sixth and Seventh of His late Majesty King *William* the Fourth, Chapter Thirty-three, intituled *An Act to amend and regulate the Law of* Scotland *as to Erasures in Instruments of Sasine and of Resignation* ad remanentiam, shall extend and be applicable to all Instruments.

Not competent to challenge existing Warrants of Registration on certain Grounds.

145. It shall not be competent to challenge the Validity of any existing Warrants of Registration upon Conveyances under the Titles to Lands (*Scotland*) Acts, of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Seventy-six, and the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and forty-three, hereby repealed, or the Real Rights completed in the Persons of those in whose Favour the said Conveyances are recorded by the Registration thereof in the appropriate Register of Sasines, on the Ground that the said Warrants of Registration are disconform to the Terms of the Schedules annexed to the said Acts, provided that the said Warrants contain the Name of the Party or Parties on whose Behalf the Warrant is written, and contain the Designation of such Party or Parties, or refer to the same as given in the Conveyance on which such Warrants are engrossed, and are signed by the Party or Parties themselves, or by his or their Agent or Agents, either individually or as a Partnership; and the Designation "Agent" or "Agents," without any further Designation, shall be valid and sufficient in the Case of all Warrants expede in virtue of the said repealed Acts.

Obligations appointed to be inserted in Instruments of Sasine shall be inserted in Notarial Instruments.

146. Where any Real Burden, Condition, Provision, or Limitation, or other Matter has been or shall be appointed to be inserted or referred to in the Instruments of Sasine or of Resignation *ad remanentiam*, or other Instruments applicable to any Lands, such Real Burden, Condition, Provision, or Limitation, or other Matter, shall be inserted or referred to in manner provided by this Act in every Instrument

Instrument applicable to such Lands to be expede in virtue of this Act, and in every Conveyance or Deed of or relating to such Lands the Registration of which in the Register of Sasines is by this Act equivalent to Infeftment or Resignation *ad remanentiam*: Provided always, that where such Real Burdens, Conditions, Provisions, Limitations, or other Matters have been already inserted in any Conveyance or Deed or Instrument recorded in the appropriate Register of Sasines, it shall not be necessary to insert the same at Length in any subsequent Conveyance or Deed or Instrument, provided the same be therein referred to in manner provided, in the Ninth or Tenth Sections of this Act, as the Circumstances of the Case may require.

Prohibition against Sub-infeudation not to be affected.

147. Where the Investiture of any Lands has imposed or shall impose a Prohibition against Sub-infeudation or against alternative Holding, nothing contained in this Act shall operate to authorize Sub-infeudation or an alternative Holding in respect to such Lands; and nothing in this Act contained shall be construed to take away or impair any of the Rights or Remedies competent to a Superior against his Vassal lying out unentered.

In all Questions under the Bankrupt Acts in Scotland, the Dates of Registration of Assignations, &c. to be held to be the Dates of the Instruments.

148. In all Questions under an Act passed by the Parliament of *Scotland* in the Year One thousand six hundred and ninety-six, intituled *Act for declaring nottour Bankrupts*, and under an Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in* Scotland, and under an Act passed in the Session of Parliament held in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sequestration of the Estates of Bankrupts in* Scotland, the Date of the Registration of all Conveyances, or Deeds and Discharges granted or taken in pursuance of this Act shall be held to be the Date of such Conveyances or Deeds and Discharges respectively, without Prejudice to their Validity or Invalidity in other respects.

Deeds and Instruments may be partly written and partly printed or engraved.

149. All Deeds and Conveyances, and all Documents whatever mentioned or not mentioned in this Act and whether relating or not relating to Land having a Testing Clause, may be partly written and partly printed or engraved or lithographed: Provided always, that in the Testing Clause the Date, if any, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed or Conveyance or Document, if the Number be specified, and the Name and Designation of the Writer of the written Portions of the Body of the Deed or Conveyance or Document shall be expressed at Length, and all such Deeds, Conveyances, and Documents

ments shall be as valid and effectual as if they had been wholly in Writing: Declaring that no such Deeds, Conveyances, and Documents executed prior to the Commencement of this Act shall be challengable on the Ground that the Name of the Writer of the written Portions of the Testing Clause is not mentioned.

Debts affecting Lands exchanged for other Lands to affect such other Lands in lieu thereof.

150. When any Lands disponed before or after the Commencement of this Act, under the Authority of an Act of Parliament, in excambion for other Lands, are burdened with Debts, the Lands so disponed shall, from and after the Date of Registration, whether before or after the Commencement of this Act, in the appropriate Register of Sasines of the Contract or Deed of Excambion of such Lands, be freed and disburdened of such Debts so far as previously affecting the same, and shall be burdened with the Debts, if any, which previously affected the Lands acquired in exchange for the same, in the Order of Preference in which such Debts were a Burden upon such last-mentioned Lands: Provided always, in the Case of Excambions after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, that before any such Excambion is authorized (in addition to such Procedure as may be prescribed by such Act) such Intimation as the Court of Session may consider necessary shall be made to all Creditors having Interest, and such Creditors shall be entitled to state any Objections thereto, of which the Court shall judge: Provided also, that in such Contract or Deed of Excambion, whether executed before or after the Commencement of this Act, or in a Schedule subscribed as relative thereto, and declared to be Part thereof, and recorded therewith, there have been or shall be set forth as to each of the said Debts the following Particulars; namely, the Amount of the Debt, the Date of recording the Writ by which its Constitution was originally published, the Register in which the same was so published, the Name and Designation of the original Creditor, and, if the Debt has been transferred, the Name and Designation of the Creditor understood to be in right thereof for the Time, and the Date of recording the Writ whereby his Right was published, and the Register in which the same was so published: Provided further, that in such Contract or Deed of Excambion such Debts have been or shall be expressly declared to burden the Lands to which the same are transferred as aforesaid.

Provision for Lands held Burgage where no Burgh Register of Sasines is kept.

151. From and after the Commencement of this Act, and during the Period to which the Rights of any Town Clerk appointed prior to the Eighth Day of *March* One thousand eight hundred and sixty, in any Burgh in which Lands are held Burgage, and no Register of Sasines is kept, extend under legal Appointment,

ment, and no longer, no Conveyance or Deed of or relating to Lands in such Burgh held Burgage, and which under the Provisions of this Act shall come in place of any Conveyance or Deed which such Town Clerk would by Law have been exclusively entitled to prepare had the Act Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and forty-three, or this Act, not been passed, shall, as regards such Lands, be validly recorded in any Register of Sasines, unless the Warrant of Registration of such Conveyance or Deed shall be subscribed or endorsed with the Signature of such Town Clerk, which Signature he shall be bound to attach or endorse on receipt in respect thereof of One Half of the Fees which would have been chargeable by him for the Preparation of the Conveyance or Deed which he would have been entitled to prepare as aforesaid, and of no other Fees; but if the said Conveyance or Deed be prepared by him, he shall not be entitled, in respect of his Signature as aforesaid, to any other beyond the ordinary Fees for preparing such Conveyance or Deed: Provided always, that in estimating the said Fees the said Conveyance or Deed which he would have been entitled to prepare as aforesaid, shall not be computed as of any greater Length than the Conveyance or Deed signed by such Town Clerk.

Provision for Lands in the Burgh of Paisley held by Booking Tenure.

152. All the Provisions of this Act applicable to Lands held by the ordinary Burgage Tenure shall be applicable also to Lands in the Burgh of *Paisley* held by the peculiar Tenure of Booking; and all the Provisions of this Act applicable to Resignation, and to Instruments of Sasine, and of Resignation and Sasine, and of Cognition and Sasine, and Registers of Sasines, respectively, of Lands held Burgage, shall be applicable also to Booking, and to Instruments of Resignation and Booking, and to Extract Bookings, and to the Register of Booking, respectively, of Lands in the said Burgh of *Paisley* held by said Tenure of Booking: Provided always, that nothing in this Act contained shall prevent the Constitution, Transmission, or Completion of Rights to Lands held by the said Tenure of Booking by the Forms competent prior to the passing of this Act.

Fees of Town Clerks appointed prior to 8th March 1860 reserved, but no Town Clerks appointed after that Date to have Claims for Compensation for Loss of Fees, &c.

153. No Town Clerk of any Royal or other Burgh in *Scotland* who has been appointed subsequent to the Eighth Day of *March* One thousand eight hundred and sixty shall have any exclusive Right or Privilege of preparing or expeding any Conveyance or Deed of or relating to Land, or shall have any Right to Compensation in respect of any Alterations affecting the Rights, Duties, or Emoluments of Town Clerks, which may be made by this Act, or any Act which may hereafter be passed: Provided always, that Town Clerks, whether sole or joint, who, according to the Law and Practice prior to the Eighth Day of *March* One thousand eight hundred

hundred and sixty, were exclusively entitled to prepare Instruments of Sasine or of Resignation and Sasine in Burgage Subjects, shall, each during the Period to which his Rights shall extend under any legal Appointment or Agreement existing at the foresaid Date, but no longer, be entitled to claim and receive from the Person presenting for Registration in the Burgh Register of Sasines kept by such Town Clerk any Conveyance or Deed which, when recorded, will operate the Effect of a recorded Instrument of Sasine or of Resignation and Sasine, such Fees as, but no other Fees than, he would have had Right to draw and to appropriate to his own Use and Benefit in respect of the Preparation and recording of the Instrument of Sasine or of Resignation and Sasine which, if this Act had not been passed, must have been recorded in the Burgh Register of Sasines, in order to operate the like Effect as the recording therein of such Conveyance or Deed; and the Person recording such Conveyance or Deed in the said Register of Sasines shall be bound to pay such but no other Fees to such Town Clerk in respect thereof: Provided always, that in estimating the said Fees such Instruments of Sasine or of Resignation and Sasine shall not be computed as of greater Length than the Writings actually recorded whereby such Instruments of Sasine or of Resignation and Sasine have been rendered unnecessary.

Official Acts of Town Clerks and Keepers of Registers of Sasines not to be affected by their personal Interests in recorded Writs.

154. It shall be competent for the Town Clerk of any Burgh to expede and record, and for the Keeper of any Burgh or other Register of Sasines, Reversions, &c. to record, any Conveyance or Deed in which such Town Clerk or Keeper may be personally interested, either individually or as Trustee for another or otherwise; and no Conveyance or Deed expede or recorded prior to the Date of the passing of this Act, or which may hereafter be expede or recorded, shall be challengeable or in any way affected by reason of personal Interest in the Town Clerk or Keeper of the Register by whom the same has been expede or recorded as aforesaid: Provided that this Enactment shall not prejudice or affect any Action or Proceeding which may have been instituted prior to the passing of this Act.

Inhibitions to take effect from Date of Registration of Notice, &c.

155. It shall be competent, before or after Execution of any Inhibition, whether by separate Letters or contained in a Summons before the Court of Session, to register in the General Register of Inhibitions a Notice thereof, setting forth the Names and Designations of the Persons by and against whom the same is raised, and the Date of signeting the same, in the Form or as nearly as may be in the Form of Schedule (PP.) hereto annexed; and where any such Inhibition and the Execution thereof shall be duly registered in the

the General Register of Inhibitions not later than Twenty-one Days from the Date of the Registration therein of such Notice thereof, such Inhibition shall take effect from the Date when such Notice was registered as aforesaid, but otherwise only from the Date of the Registration of such Inhibition and the Execution thereof; and no Inhibition shall have any Effect against any Act or Deed done, committed, or executed prior to the Registration of such Notice thereof, or of such Inhibition and the Execution thereof, as the Case may be.

Short Form of Letters of Inhibition.

156. Letters of Inhibition may be in the Form as nearly as may be of the Schedule (QQ.) to this Act annexed; and Letters of Inhibition in such Form shall have all the like Force and Effect as Letters of Inhibition in the Form in use at the passing of this Act.

No Inhibition to have Effect against Acquirenda,

157. No Inhibition to be recorded from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight shall have any Force or Effect as against any Lands to be acquired by the Person or Persons against whom such Inhibition is used after the Date of recording such Inhibition, or of recording the previous Notice thereof prescribed by this Act, as the Case may be: Provided always, that where such Inhibition is used against a Person or Persons who shall thereafter succeed to any Lands which, at the Date of recording the Inhibition or previous Notice thereof, as the Case may be, were destined to such Person or Persons by a Deed of Entail, or by a similar indefeasible Title, then and in that Case such Inhibition shall affect the said Person or Persons in so far as regards the Lands so destined, and to which he or they shall succeed as aforesaid, but no further.

unless in case of Heir under Entail or other indefeasible Title.

Inhibitions on Depending Summons to be recalled on Petition to Lord Ordinary.

158. From and after the Commencement of this Act it shall be competent to the Lord Ordinary in the Court of Session, before whom any Summons containing Warrant for Inhibition shall be enrolled as Judge therein, or before whom any Action on the Dependence whereof Letters of Inhibition have been executed, has been or shall be enrolled as Judge therein, and to the Lord Ordinary on the Bills in Time of Vacation, on the Application of the Defender or Debtor by Petition duly intimated to the Creditor or Pursuer, to which Answers may be ordered, to recall or restrict such Inhibition on Caution, or without Caution, and dispose of the Question of Expenses, as shall appear just; provided that his Judgment shall be subject to the Review of the Court by a Reclaiming Note duly lodged within Ten Days from the Date thereof.

Litigiosity not to begin before Date

159. It shall be competent to register in the General Register of Inhibitions a Notice of any signeted Summons of Reduction of any

of Registration of Notice of Summons.

Conveyance or Deed of or relating to Lands, and in the Register of Adjudications a Notice of any signeted Summons of Adjudication or of Constitution and Adjudication combined for Debt or in Security or in Implement, which Notice shall set forth the Names and Designations of the Pursuer and Defender of such Action and the Date of signeting such Summons in the Form or as nearly as may be in the Form of Schedule (RR.) hereto annexed; and no Summons of Reduction, Constitution, Adjudication, or Constitution and Adjudication combined, shall have any Effect in rendering litigious the Lands to which such Summons relates, except from and after the Date of the Registration of such Notice.

Right to Heirship Moveables abolished.

160. From and after the passing of this Act no Heir of Line of a Party deceased shall be entitled to claim in that Character any Portion of the Moveable Estate of such Predecessor as Heirship Moveables, such Claim being hereby abolished.

Judgment of Lord Ordinary on the Bills subject to Review of Inner House, and Judgments in certain Cases to be final.

161. Any Judgment pronounced by the Lord Ordinary in virtue of this Act shall be subject to Review by a Reclaiming Note in ordinary Form; and the Judgment of either Division of the Court upon such Reclaiming Note, or upon any Advocation or Appeal, shall be subject to Review by Appeal to the House of Lords, or in any other competent Mode or Form; but the Judgments of the Lord Ordinary and of the Court respectively, if not so brought under Review, and whether the same shall have been pronounced in Absence of the Respondent or not, shall be final, and not subject to Review in any Mode or Form whatever; provided always, that the Judgments of the Lord Ordinary in Petitions relating to the Forfeiture or Relinquishment of Superiority under this or any of the Repealed Acts, if not so brought under Review, and the Judgment of either Division of the Court of Session upon a Reclaiming Note against such Judgment of the Lord Ordinary, whether such Judgment shall have been pronounced in absence of the Respondent or not, shall be final and conclusive, and not subject to Review in any Mode or Form whatever; and it shall be competent to the Lord Ordinary, or to either Division of the Court reviewing any Judgment of the Lord Ordinary, if it shall appear to him or them to be just in the whole Circumstances of the Case, to find and decern in ordinary Form for the Expenses of any Proceedings.

Court of Session may fix and regulate Fees.

162. It shall be lawful for the Court of Session from Time to Time to pass Acts of Sederunt fixing and regulating the Fees payable to Town Clerks and Keepers of Registers of Sasines in Burghs for and with respect to all Deeds, Conveyances, and Proceedings under this Act, and the recording of the same; and the said

said Court may either make a General Table of Fees which shall be applicable to all the Burghs in *Scotland*, or may make Special Tables of Fees which shall be applicable to any One or more of such Burghs, as they think fit; and the Tables of Fees applicable to each Burgh shall come into operation on the Death, Resignation, or Removal of any Town Clerk of such Burgh who was appointed prior to the Eighth Day of *March* One thousand eight hundred and sixty; and it shall not be lawful for any Town Clerk, or the Keeper of the Register of Sasines of any Burgh, who shall have been appointed after the said Eighth Day of *March* One thousand eight hundred and sixty, to demand or receive any higher Fees for or in respect of any Deeds or Conveyances or Proceedings under this Act, or the recording thereof, than the Fees specified in the Table which for the Time shall be applicable to such Burgh; and the said Court may meet for the Purpose of passing and may pass all such Acts of Sederunt and Rules of Court as they deem proper for carrying into effect the Purposes of this Act, and that either during Session or Vacation, and may from Time to Time repeal Acts of Sederunt and Rules of Court, or alter such Acts and Rules of Court and Tables of Fees: Provided, that all Acts of Sederunt and Rules of Court passed under the Authority of this Act shall, within One Month after the Date thereof, be transmitted by the Lord President of the said Court to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament; and until such Act or Acts or Rule or Rules of Court shall be passed, all Acts of Sederunt and Rules of Court now in force passed under the Authority of any of the Acts of Parliament hereby repealed, and all Tables of Fees thereby sanctioned, shall remain in force as Acts of Sederunt, Rules of Court, and Tables of Fees for the Purposes of this Act.

Old Forms of Conveyances may be used.

163. Nothing contained in this Act shall prevent the Constitution, Transmission, Completion, or Extinction of Land Rights, or of Securities affecting Lands, in the Forms which were in use or competent for these Purposes prior to the passing of the Acts hereby repealed, except in so far as such prior Forms are hereby expressly abolished; and, notwithstanding the Repeal of the said Acts, the same shall be held to be still in force so far as regards any Reference which may be made to them or any of them in any Statute not hereby repealed, and to the Effect of giving full Effect to such Reference.

SCHE-

SCHEDULES referred to in foregoing Act.

SCHEDULE (A.)

No. 1.

Acts and Part of Act repealed.

Date of Act.	Title.	Extent of Repeal.
8 & 9 Vict. c. 31. -	An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in Scotland.	The whole.
8 & 9 Vict. c. 35. -	An Act to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in Scotland.	Section Sixth in the Copy No. 2. of this Schedule.
10 & 11 Vict. c. 47. -	An Act to amend the Law and Practice in Scotland as to the Service of Heirs.	The whole.
10 & 11 Vict. c. 48. -	An Act to facilitate the Transference of Lands and other Heritages in Scotland not held in Burgage Tenure.	The whole.
10 & 11 Vict. c. 49. -	An Act to facilitate the Transference of Lands and other Heritages in Scotland held in Burgage Tenure.	The whole.
10 & 11 Vict. c. 50. -	An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in Scotland, and to render the same more effectual for the Recovery of Debts.	The whole.
10 & 11 Vict. c. 51. -	An Act to amend the Practice in Scotland with regard to Crown Charters and Precepts from Chancery.	The whole.
13 & 14 Vict. c. 13. -	An Act to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education in Scotland to hold Real Property required for such Purposes.	The whole.

Titles to Land Consolidation (Scotland).

Date of Act.	Title.	Extent of Repeal.
17 & 18 Vict. c. 62. -	An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extension of Heritable Securities in Scotland.	The whole.
21 & 22 Vict. c. 76. -	An Act to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland.	The whole.
23 & 24 Vict. c. 143. -	An Act to extend certain Provisions of the Titles to Land (Scotland) Act, 1858, to Titles to Land held by Burgage Tenure, and to amend the said Act.	The whole.

No. 2.

CAP. XXXV.

An Act to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in Scotland. [21st July 1845.]

WHEREAS it is expedient to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of October in the present Year One thousand eight hundred and forty-five it shall not be necessary to proceed to the Lands in which Sasine is to be given, or to perform any Act of Infeftment thereon, but Sasine shall be effectually given therein and Infeftment obtained by producing to a Notary Public the Warrants of Sasine and relative Writs, as now in use to be produced at taking Infeftment, and by expeding and recording in the General Register of Sasines, or the Particular Register of Sasines applicable to the Lands contained in the Warrant of Infeftment, in manner herein-after directed, an Instrument of Sasine, setting forth that Sasine had been given in the said Lands, and subscribed by the said Notary Public and Witnesses, according to the Form and as nearly as may be in the Terms of Schedule (B.) hereto annexed; and such Form of Infeftment shall be effectual, whether the Lands lie contiguous or discontiguous, or are held by the same or by different Titles, or of One or more Superiors, or whether the Deed entitling the Party to obtain Infeftment be dated prior or subsequent to the present Act, or whether the Precept of Sasine therein be in the Form heretofore in use, or in the Form authorized by the present Act.

How Sasine to be given in future.

II. And be it enacted, That from and after the said First Day of October every such Instrument of Sasine shall be recorded in manner heretofore in use with regard to Instruments of Sasine, and the Keepers of the Registers of Sasines are hereby required to receive and register the same accordingly; and such Instrument of Sasine, being so recorded, shall in all respects have the same

Instruments of Sasine to be entered and recorded.

same Effect as if Sasine had been taken and an Instrument of Sasine duly recorded according to the Law and Practice heretofore in use.

May be recorded at any Time, but the Date of the Presentment to be the Date of the Infeftment.

III. And be it enacted, That from and after the said First Day of October every such Instrument of Sasine may be competently and effectually recorded at any Time during the Life of the Party in whose Favour such Instrument has been expede, but the Date of Presentment and Entry set forth on any such Instrument by the Keeper of the Record shall be taken to be the Date of the Instrument of Sasine and Infeftment.

In case of Error or Defect another Instrument may be recorded.

IV. And be it enacted, That in case of any Error or Defect in any such Instrument of Sasine, or in the recording thereof, it shall be competent of new to make and record an Instrument of Sasine, which shall have Effect from the Date of the recording thereof, as if no previous Instrument or Instruments had been made or recorded.

Forms of the Precept and Instrument of Sasine.

V. And be it enacted, That in all Deeds containing a Precept of Sasine such Precept may be in the Form and as nearly as may be in the Terms of the Schedule (A.) hereto annexed, and the Instrument of Sasine on any such Deed shall be in the Form and as nearly as may be in the Terms of the said Schedule (B.) hereto annexed, which Precepts and Instruments of Sasine respectively shall be as valid and effectual as the Precepts and Instruments of Sasine heretofore in use.

Precept from Chancery to be issued to Notaries upon Payment of Retour Duties and Casualties.

VI. And be it enacted, That where Infeftment is to be completed under a Precept issuing from the Office of Chancery, which Precept has hitherto been directed to the Sheriff of the County in which the Lands or some Part thereof lie, such Precept shall, after the said First Day of October, be addressed to any Notary Public: Provided always, that such Precept shall be null and void unless an Instrument of Sasine thereon be recorded in the General Register of Sasines, or the Register of Sasines applicable to the Lands therein contained, before the first Term of Whitsunday or Martinmas posterior to the Date of such Precept, without Prejudice to a new Precept being issued as heretofore, and that before such Precept is issued from Chancery the Retour Duties and Casualties due to the Crown shall be paid to the proper Officer there, who shall account to the Exchequer for the same in like Manner as the Sheriffs were wont to do; and the same Officer shall also receive at the same Time certain Fees on behalf of the Sheriffs, Sheriffs Substitute, and Sheriff Clerks of the Counties in which the Lands lie, and on which Sasine would have been taken according to the Form heretofore in use, and to whom such Officer shall account for the same, in place of the Fees which they have heretofore been in use to receive, but such Fees shall be paid only during the Existence of the respective Interests of the present Sheriffs, Sheriffs Substitute, and Sheriff Clerks in their respective Offices; and the Lords of Council and Session are hereby authorized and required, by an Act or Acts of Sederunt, to regulate and determine the Amount of the Fees to be so received on behalf of each Sheriff, Sheriff Substitute, and Sheriff Clerk, having due Regard to the existing Interest of each.

Fees to be paid to Sheriffs and Sheriff Clerks for a limited Period.

Repealed by this Act.

Forms of Burgage Sasines to continue as at present.

VII. And whereas it is not hereby intended to make any Alterations in the Law with regard to Instruments of Sasine and Instruments of Cognition, and Sasine of Subjects held Burgage, or by any similar Mode of Tenure known and effectual in Law, excepting as after specified; be it enacted, That the Forms

and

and Modes of Registration of these Instruments shall continue the same as at present, excepting only that the same shall be valid and effectual, if attested by the Town Clerk as a Notary, without the Addition of his Docquet, and by the Witnesses, and that the Delivery of Symbols may lawfully be given, either on the Ground of the Subjects as heretofore, or within the Council Chamber of the Burgh by Delivery of a Pen.

Instruments of Resignation ad remanentiam regulated.

VIII. And be it enacted, That Instruments of Resignation ad remanentiam shall be written in the same Form as at present, but it shall be unnecessary for the Notary Public to adhibit his long Docquet to such Instruments; and further, that all Resignations ad remanentiam may be accepted by the Superior himself, or on his Behalf, by his known Agent for the Time, or by any Person having a formal Commission for that Purpose.

Instruments of Resignation in favorem abolished.

IX. And whereas Instruments of Resignation in favorem, as separate Instruments intended merely to connect the Procuratory with the Charter of Resignation, are now rarely used in Practice, and are wholly unnecessary; be it enacted, That from and after the said First Day of October the same shall be and are hereby abolished: Provided always, that the Deduction of Titles required by the Act of the Parliament of Scotland made in the Year One thousand six hundred and ninety-three, intituled "Act anent Procuratories of "Resignation and Precepts of Seisin," to be made in such Instruments, shall from and after the Date of this Act be made in the Charter of Resignation.

Interpretation of Act.

X. And be it enacted, That in the Construction of this Act the Words "Notary Public" shall be held to mean a Notary Public in Scotland duly admitted and practising there; the Word "Deed" shall be held to include any Warrant or Document upon which Sasine may follow; and the Word "Lands," or the Words "Heritable Property," shall be held to include Houses, Fishings, Mills, Minerals, Patronages, Teinds, and in general all Heritable Subjects or Rights in which Infeftment may be taken; and all Words in the Singular Number shall be held to include a Plurality of Persons or Things; and in general this Act shall be construed in the most liberal Manner, so as to accomplish the Objects thereby intended.

Alteration of Act.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to in the foregoing Act.

Schedule (A.)

Form of Precept of Sasine.

Moreover I desire any Notary Public to whom these Presents may be presented to give to the said *A.B.* or his foresaids Sasine [*or* Life-rent Sasine, *or* Sasine in Life-rent and Fee respectively, *as the Case may be,*] of the Lands and others above disponed [*if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under*

under Redemption, then there will be added here, "but always under the Burden of the Real Lien," *&c.* (*as the Case may be*) before specified]. In witness whereof, *&c.* [*here insert a Testing Clause in legal Form*].

SCHEDULE (B.)

FORM OF INSTRUMENT OF SASINE.

At there was, by or on behalf of *A.B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or an Extract of a Deed* (*as the Case may be*)] granted by *C.D.* of *Y.*, Esquire, and bearing Date as in the Precept of Sasine herein-after inserted [*here describe also any connecting Deed or Writ, or Extract thereof, in virtue of which the Sasine is to be given to A.B.*], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or*, to *E.F.* (*as the Case may be*)] and his Heirs and Assignees, [*here insert the Destination, if any,*] heritably and irredeemably, [*or* redeemably, *or* in Life-rent, *or otherwise* (*as the Case may be*),] all and whole [*here insert the Description of the Subjects conveyed; and if the Disposition by C.D. was not to A.B. himself, but is vested in him as Assignee, Heir, or Adjudger, or otherwise, in whole or in part, state the successive Transferences, and the Way in which he has Right thereto*], which Disposition contains an Obligation to infeft [*here state whether* a se *or* de se, *or both or either* (*as the Case may be*),] and a Precept of Sasine in the following Terms [*here insert the Precept, which may be either according to the Form at present in use, or according to the abbreviated Form in Schedule* (*A.*)], in virtue of which Precept I hereby give Sasine [*or* Life-rent Sasine, *or* Sasine in Life-rent and Fee respectively] to the said *A.B.* of the Lands and others above described. [*If the Precept of Sasine contains a Reference to a Real Burden, or to any Conditions or Qualifications of the Right, or to a Power of Redemption, then add,* "but always under the Burden of the Real Right, *&c.* before specified."]

In witness whereof I have subscribed these Presents, written on this and the preceding Pages by *G.H.*, my Clerk, before these Witnesses, the said *G.H.* and *J.K.*, Accountant in Edinburgh.

(Signed) *L.M.*, Notary Public.

G.H., Witness.
J.K., Witness

SCHEDULE (B.)

No. 1.

Formal Clauses of a Disposition of Land, &c. not held Burgage.

[*After the inductive and dispositive Clauses the Deed may proceed thus:*] With Entry at the Term of [*here specify the Date of Entry*]; to be holden the said Lands and others [*or* Subjects] a me [*or* a me vel de me, *as the Case may be*]; and I resign the said Lands and others [*or* Subjects] for new Infeftment

Infeftment or Investiture; and I assign the Writs, and have delivered the same according to Inventory; and I assign the Rents; and I bind myself to free and relieve the said Disponee and his foresaids of all Feu Duties, Casualties, and public Burdens; and I grant Warrandice; and I consent to Registration hereof for Preservation [*or* for Preservation and Execution]. In witness whereof [*insert a Testing Clause in the usual Form*].

NOTE.—The Clauses are assumed here as occurring in a Disposition, but they may be used in other Deeds and Conveyances; and in the event of it being necessary to omit, vary, or qualify any One or more of them, this may be done, and the other Clauses may be retained.

No. 2.

Formal Clauses of a Disposition of Land, &c. held Burgage.

[*After the inductive and dispositive Clauses the Deed may proceed thus:*] With Entry at the Term of [*here specify the Date of Entry*]; to be holden the said Lands and others [*or* Subjects] of Her Majesty in Free Burgage; and I assign the Writs, and have delivered the same according to Inventory; and I assign the Rents; and I bind myself to free and relieve the said Disponee and his foresaids of all Ground Annual, Cess, Annuity, and other public Burdens; and I grant Warrandice; and I consent to the Registration hereof for Preservation [*or* for Preservation and Execution]. In witness whereof [*insert a Testing Clause in the usual Form*].

NOTE.—The Clauses are assumed here as occurring in a Disposition, but they may be used in other Deeds and Conveyances; and in the event of it being necessary to omit, vary, or qualify any One or more of them, this may be done, and the other Clauses may be retained.

SCHEDULE (C.)

Clause of Reference to Destinations and Conditions of Entail, &c.

[*After inserting such Part of the Destination as may be thought necessary, add,*] and to the other Heirs specified in a Disposition and Deed of Entail [*or as the Case may be*] of the said Lands executed by the Deceased, *E.F.*, dated the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year , [*or* in the said Disposition and Deed of Entail dated and recorded as aforesaid, *or* in a Deed [*or* Instrument *specify the Deed or Conveyance*] recorded [*specify Register of Sasines*] upon the Day of in the Year].

[*And after the Description of the Lands insert,*] but always with and under the Conditions, Provisions, and Prohibitory irritant and resolutive Clauses [*or*

Clause authorizing Registration in the Register of Tailzies, *as the Case may be*], contained in the said Disposition and Deed of Entail, dated and recorded as aforesaid [*or* in (*specify Deed or Conveyance*) recorded in (*specify Register of Sasines*) upon the Day of in the Year].

[*And in subsequent Clauses in which it is usual or requisite to refer again to the Conditions of the Entail, &c. the Reference may be made thus:*] but always with and under the Conditions, Provisions, and Prohibitory irritant and resolutive Clauses [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be,*] before referred to.

SCHEDULE (D.)

Clause of Reference to Real Burdens, Conditions, &c., in Investiture.

[*After the Description of the Lands, instead of inserting the Burdens, &c. at Length, these may be referred to as follows, viz.:*] but always with and under the real Burdens, Conditions, Provisions, and Limitations [*or such of these as may apply or have reference to the Case*] specified in a Deed [*or* Instrument *here specify a Deed or Conveyance in which the Burdens, &c. were first inserted, or any subsequent Deed or Conveyance in which they are inserted, forming Part of the Progress of the Titles to the Lands*] recorded [*specify Register of Sasines or, if the Deed or Conveyance as recorded has been previously referred to, say* in the said Deed [*or* Instrument] recorded as aforesaid] on the Day of in the Year .

[*And in subsequent Clauses in which it is requisite or usual to refer again to the Burdens, &c. the Reference may be made thus:*] but always with and under the real Burdens, Conditions, Provisions, and Limitations [*or such of these as may apply or have reference to the Case*] before referred to.

SCHEDULE (E.)

Clause of Reference to particular Description contained in a prior Deed.

[*After giving some leading Name or Names or some other distinctive Description of the Lands as contained in the Titles thereof and the Name of the County, and in the Case of Lands held by Burgage Tenure, the Name of the Burgh and County in which the Lands lie, add*] being the Lands [*or* Subjects] particularly described in the [*here specify a prior Deed or Instrument containing the particular Description of the Lands or Subjects*] recorded [*specify Register of Sasines, or if the Deed or Instrument as recorded has been previously referred to say* in the said

said Deed [*or* Instrument] recorded as aforesaid] on the Day of in the Year

[*If Part only of Lands is conveyed, describe such Part and add,* being Part of the Lands particularly described, *&c.*; *or thus,* being the Lands [*or* Subjects] as particularly described, *&c.*, with the Exception of, *and describe the Part excepted*].

SCHEDULE (F.)

No. 1.

Clause of Direction specifying Part of Deed which Grantor desires to be recorded.

And I direct to be recorded in the Register of Sasines the Part of this Deed from its Commencement to the Words [*insert Words*] on the Line of the Page [and also the Part from the Words [*insert Words*] on the Line of the Page to the Words [*insert Words*] on the Line of the Page]. [*Or,* I direct the whole of this Deed to be recorded in the Register of Sasines, with the Exception of the Part [*or* Parts, *as the Case may be, specifying the Part or Parts excepted, as above*].]

No. 2.

Warrant of Registration to be written on Deed where it is intended to record it in Terms of a Clause of Direction.

Register the above Deed in Terms of the Clause of Direction therein contained on behalf of *A.B.* [*insert Designation*] in the Register of the County of *C.* [*or if the Writ contains Land in more than One County,* in the Registers of the Counties of *C., D., E., and F., or, if the Lands be held Burgage* in the Register, *or* Registers of the Burgh of *M., or* Burghs of *M., N., O., and P.*]

(Signed) *A.B.*
[*or*] *G.H.*,
W.S., Edinburgh, Agent,
[*or*] *J.K. & L.*,
W.S., Edinburgh, Agents,
[*or as the Case may be*].

SCHEDULE (G.)

Clause of Reference to Conveyance, containing general Designation of Lands.

[*After giving the general Name or Names of the Lands and the Name of the County, or Burgh and County, as the Case may be, add*] as particularly described in the Disposition [*or other Deed, as the Case may be*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year , and in which the Lands hereby conveyed are declared to be designed and known by the said Name of" [*here insert Name*], [*or* "as particularly described in the Instrument (*specify Instrument*) recorded, *&c.*, and in which the Lands hereby conveyed are declared," *&c.*] [*If Part only of Lands is conveyed, then follow Form for similar Case given in Schedule* (*E.*)]

SCHEDULE (H.)

No. 1.

Warrant of Registration to be written on a Conveyance, &c., when presented without Assignation apart, or with Writ of Resignation or other similar Writ thereon.

Register on behalf of *A.B.* [*insert Designation*] in the Register of the County of *C.* [*or if the Conveyance, &c. or Writ contains Lands in more than One County,* in the Registers of the Counties of *C., D., E.,* and *F., or, if the Lands be held Burgage,* in the Register of the Burgh of *M., or* in the Registers of the Burghs of *M., N., O.,* and *P.*] [*or* Register, *&c.*, along with Assignation (*or* Assignations) (*or* Writ of Resignation) hereon, in the Register of the County of *C., &c. or* in the Register of the Burgh of *M., &c., or otherwise as the Case may be*].

(Signed) *A.B.*,
[*or*] *G.H.*,
W.S., Edinburgh, Agent,
[*or*] *J.K. & L.*,
W.S., Edinburgh, Agents,
[*or as the Case may be.*]

No. 2.

No. 2.

Warrant of Registration to be written on a Conveyance, &c. when presented with Assignation apart, or Notarial Instrument.

Register on behalf of *A.B.* (*insert Designation*) in the Register of the County of *C.* [*or if the Conveyance, &c. or Writ contains Lands in more than One County,* in the Registers of the Counties of *C., D., E.,* and *F., or if the Lands be held Burgage* in the Register of the Burgh of *M., or* in the Registers of the Burghs of *M., N., O.,* and *P.*] along with the Assignation [*or* Assignations, *or* Notarial Instrument] docqueted with reference hereto [*or otherwise as the Case may be*].

(Signed) *A.B.,*
[*or*] *G.H.,*
W.S., Edinburgh, Agent,
[*or*] *J.K. & L.,*
W.S., Edinburgh, Agents,
[*or as the Case may be.*]

No. 3.

Warrant of Registration to be written on a Conveyance presented for Registration propriis manibus.

Register on behalf of *A.B.* (*insert Designation*) in the Register of the County of *C.* [*or if the Conveyance, &c. or Writ contains Lands in more than One County,* in the Registers of the Counties of *C., D., E.,* and *F., or if the Lands be held Burgage* in the Register of the Burgh of *M., or* in the Registers of the Burghs of *M., N., O.,* and *P.* And also ex propriis manibus on behalf of *L.,* Wife of the said *A.B.* in Liferent [*or as the Case may be*].

(Signed) *A.B.*

SCHEDULE (I.)

Instrument of Sasine in Burgage Subjects.

At there was by [*or* on behalf of] *A.B.* [*design the Disponee or other Person to whom Sasine is given*] presented to me, Notary Public subscribing, a Disposition [*or other Deed, or an Extract of a Deed, or any other Warrant, as the Case may be,*] granted by *C.D.* [*here design the Grantor*], and dated the Day of [*here describe shortly any connecting Deed or Extract thereof in virtue of which Sasine is given,*] by which Disposition [*or otherwise as the Case may be*] the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* to *E.F., as the Case may be,*] and his Heirs and Assignees whomsoever, [*here insert the Destination, if any,*] heritably and irredeemably [*or* redeemably in Liferent, *or otherwise, as the Case may be,*] all

and whole [*here insert the Description of the Lands conveyed, and any Real Burdens, Conditions, Provisions, and Limitations, or any Reference to the same, all as in the Disposition, and if the Disposition by C.D. was not to A.B. himself, but has been acquired by him as Assignee, Heir, or Adjudger, or otherwise in whole or in part, state shortly the successive Transferences, and the way in which he has Right thereto,*] which Disposition contains an Obligation to infeft the said *A.B.* [*or E.F., as the Case may be,*] to be holden of Her Majesty in Free Burgage, and also contains Procuratory [*or* a Clause] to make Resignation of the said Lands and others in favour of the said Disponee and his foresaids, for new Infeftment [*or* for new Liferent Infeftment, *or* for new Infeftment in Liferent and Fee respectively, *or as the Case may be*]; in virtue of which Procuratory the said Lands and others were resigned; and in Terms of the said Disposition [*or otherwise as the Case may be*] I hereby give Sasine to the said *A.B.* of the foresaid Lands and others [*if the Deed contains any Conditions, &c., or any Reference to the same as aforesaid, then add* "but always under the Conditions, *&c.* before specified" *or* "referred to," *as the Case may be.*] In witness whereof these Presents, written on this and the preceding Pages by *G.H.*, my Clerk, are subscribed by me before these Witnesses, the said *G.H.* and *J.K.*, also my Clerk.

(Signed) *L.M.*, Notary Public.

G.H., Witness.
J.K., Witness.

SCHEDULE (J.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed, *as the Case may be*], granted by *C.D.* of *Y.*, and dated [*insert the Date*], by which Disposition [*or otherwise as the Case may be*], the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may be,* to the said *A.B.*] [*or to E.F.*], and his Heirs and Assignees [*insert the Destination, if any, so far as may be necessary*], heritably and irredeemably [*or* redeemably, *or* in Liferent, *or otherwise, as the Case may be*], all and whole [*insert the Description of the Lands conveyed, and any Real Burdens, Conditions, Provisions, and Limitations, or any Reference to the same all as in the Disposition or the Deed, &c.*] [*If the Person expeding the Instrument be other than the original Disponee, add,*] As also there was presented to me [*here specify the Title or Series of Titles by which such Person acquired Right, and the Nature of his Right*]. Whereupon this Instrument is taken in the Hands of *L.M.* [*insert Name and Designation of Notary Public*] in the Terms of the "Titles to Land Consolidation (Scotland) Act, 1868." In witness whereof [*insert Testing Clause as in Schedule (I.)*]

SCHE-

SCHEDULE (K.)

Instrument of Resignation ad remanentiam.

At there was by [*or* on behalf of] *A.B.* [*here insert the Name and Designation of the Superior*], presented to me, Notary Public subscribing, a Disposition [*or other Deed or Extract, as the Case may be*], dated the Day of , granted by *C.D.* [*here insert the Name and Designation of the Vassal*], being the Vassal in the Lands after described, holding the same of the said *A.B.* as his Superior thereof, by which Disposition the said *C.D.* disponed to the said *A.B.* and his Heirs and Assignees whomsoever [*or as the Case may be*] all and whole [*here insert Description of the Lands as in the Disposition or other Deed, &c.*]; in virtue of which Disposition [*or other Deed, &c.*] the said Lands were resigned in the Hands of the said *A.B.* [*or* "in the Hands of *E.F.*, as his Commissioner duly authorized, conform to Commission" (*describe by Date and other Particulars,*) "as in the Hands of the said *A.B.* himself"] [*or* "in the Hands of *E.F.*, being the known Agent of the said *A.B.*, and as such duly authorized, in virtue of the Act of the Eighth and Ninth Years of the Reign of Her Majesty Queen Victoria, Chapter Thirty-five, intituled 'An Act to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in Scotland,' as in the Hands of the said *A.B.* himself,"] ad perpetuam remanentiam and to the Effect that the Right of Property of the foresaid Lands and others might be united and consolidated with the Right of Superiority of the same in the Person of the said *A.B.* in all Time coming. Whereupon this Instrument is taken by [*or* on behalf of] the said "*A.B.* and *C.D.*" in the Hands of *&c.*, *as in Schedule (J.) to the End.*

SCHEDULE (L.)

Notarial Instrument in favour of a general Disponee, or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*specify the Disposition or other Deed or Instrument or Extract thereof, as the Case may be*] recorded in the [*specify Register of Sasines and Date of recording*], by which recorded Disposition [*or otherwise as the Case may be*] *C.D.* of *Y.* was infeft in all and whole [*describe the Lands or other Subjects, as the Case may be, as the same are described in the said Disposition or other Deed or Instrument*]; as also there was presented to me a general Disposition [*or other Deed or Conveyance or Testamentary Deed or Writing, as the Case may be, or an Extract of such Deed*] granted by the said *C.D.*, and dated [*insert Date*], by which general Disposition [*or otherwise as the Case may be*] the said *C.D.* disponed [*or* gave *or* granted *or* bequeathed, *or otherwise as the Case may be*] to the said *A.B.* and his Heirs and Assignees *or otherwise as the Case may be*], heritably and irredeemably [*or* in Liferent, *or otherwise, as the Case may be*], all and sundry the whole Heritable Estate [*or otherwise as the Case may be*], of which he was [*or* might die] possessed [*or otherwise, as the Case may be*]. [*If the Deed be granted under any Real Burden or Condition or Qualification, add here,* but always under the Real Burdens, *&c.*:

and

and if the Deed be granted in trust, or for specific Purposes, add, but always in trust *or* for the Uses and Purposes mentioned in said general Disposition, *or otherwise as the Case may be. If the Person expeding the Instrument be other than the original Disponee, or Grantor or Legatee under the Deed, add,* as also there was presented to me (*specify the Title or Series of Titles by which such Person acquired Right, and the Nature of his Right.*)] Whereupon, *&c., as in Schedule* (*J.*) *to the End.*

SCHEDULE (M.)

No. 1.

Assignation of an unrecorded Conveyance.

I, *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the Disposition [*or other Deed, as the Case may be*] granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X.*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title, if any, and the Nature of the Right conveyed or assigned. State the Term of the Assignee's Entry, and other Particulars, if any, which ought to be specified.*] In witness whereof [*insert a Testing Clause in the usual Form*].

NOTE.—Before being presented for Registration along with the Disposition or other Deed and Warrant of Registration thereon, the Assignation must be docqueted in or as nearly as may be in the Form following ; viz. :

"Docqueted with reference to Warrant of Registration on behalf of *C.D.*, " written on the said Disposition [*or other Deed, as the Case may be*]."

The Docquet shall be signed by the Person or his Agent or Agents signing the Warrant.

No. 2.

Assignation of an unrecorded Conveyance written upon the Conveyance.

I, *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the foregoing Disposition [*or other Deed, as the Case may be*] of the Lands of *X.*, as therein described, granted in my Favour [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature of the Right conveyed or assigned. State the Term of the Assignee's Entry, and other Particulars, if any, which ought to be specified.* In witness whereof [*insert a Testing Clause in the usual Form*].

SCHEDULE (N.)

Notarial Instrument in favour of an Assignee to an unrecorded Conveyance to be recorded along with the Conveyance.

At there was by [*or* on behalf of] *A.B.* of *Z.* presented to me, Notary Public subscribing, a Disposition [*or other Deed or Extract, as the Case may be, specifying the Nature of the Deed*] granted by *C.D.* of *Y.*, and dated [*insert Date*], by which Disposition the said *C.D.* conveyed to *E.F.* all and whole

whole the Lands of *X.* as therein described, and which Disposition is to be recorded along with this Instrument; as also there was presented to me [*specify the Title or Series of Titles by which A.B. acquired Right, and the Nature of his Right*]. Whereupon, *&c., as in Schedule (J.) to the End.*

NOTE.—Before being presented for Registration along with the Disposition or other Deed and Warrant of Registration thereon, the Notarial Instrument must be docqueted in or as nearly as may be in the Form following, viz.: "Docqueted with reference to Warrant of Registration on behalf of *A.B.*, "written on the said Disposition (*or other Deed, as the Case may be*)." The Docquet shall be signed by the Person or his Agent or Agents signing the Warrant.

SCHEDULE (O.)

Notarial Instrument in favour of a Trustee in a Sequestration or of Liquidators of Joint Stock Companies.

At there was, by [*or* on behalf of] *A.B.*, as Trustee on the sequestrated Estate of *C.D.* [*or* as Liquidator for winding up the, *specify Name of Company, or Partner thereof for whom Liquidator acts*] presented to me, Notary Public subscribing, a Disposition [*or other Deed or Extract, as the Case may be*], [*insert Date*], recorded in the [*specify Register and Date of recording*], by which, *&c.* [*specify the Title or Series of Titles by which the Bankrupt, or Company, or Partner thereof, as the Case may be, held the Lands*], as also there was presented to me an Extract Act and Warrant of Confirmation in favour of the said *A.B.*, dated [*insert Date*] [*or here specify the Appointment of the Liquidator or Liquidators, and the Date thereof*]. Whereupon, *&c., as in Schedule (J.) to the End.*

SCHEDULE (P.)

Form of Petition of General Service.

Unto the Honourable the Sheriff of [*specify the County, or say* "of Chancery,"] the Petition of *A.B.* [*here name and design the Petitioner*],

Humbly showeth,

That the late *C.D.* [*here name and design the Ancestor to whom Service is sought*] died on or about the Day of , and had at the Time of his Death his ordinary or principal Domicile in the County of [*or* furth of Scotland, *as the Case may be*]. [*In Cases where the Deceased died upwards of Ten Years before the Date of the Petition, and the Petitioner cannot ascertain the Place of the Domicile, say* that the late *C.D.* [*here name and design the Ancestor to whom Service is sought*] died on or about the Day of , but the Petitioner is unable to prove at what Place the Deceased had his ordinary or principal Domicile at the Time of his Death.

That the Petitioner is the eldest Son [*or state what other Relationship or Character of Heir the Petitioner bears*] and nearest lawful Heir in general of the said *C.D.* *If the Service is as Heir of Provision, say* that the Petitioner

tioner is the eldest Son [*or state what other Relationship or Character of Heir the Petitioner bears*] and nearest lawful Heir of Provision in general of the said *C.D.*, under and by virtue of a Deed [*specify the Deed of Provision*] executed by *E.F.*, dated the Day of , *or otherwise describe the Deed so as to clearly identify it, or, if the Service is as Heir of Tailzie, say* that the Petitioner is the eldest Son [*or state what other Relationship &c. the Petitioner bears*], and nearest and lawful Heir of Tailzie and Provision in general of the said *C.D.*, under and by virtue of a Disposition and Deed of Entail granted by *E.F.*, dated the Day of , and recorded in the Register of Tailzies the Day of , whereby the said *E.F.* conveyed the Lands of *M.* to and in favour of *J.K.* [*here set forth the Destination or such Part thereof as may be deemed necessary, or say,* and the other Heirs therein mentioned]; but always with and under the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be,*] contained in the said recorded Deed of Entail, and here referred to as at Length set forth therein.

May it therefore please your Lordship to serve the Petitioner nearest and lawful Heir in general to the said *C.D.* [*or whatever other Character of Heir is sought to be established here set it forth*].

According to Justice, *&c.*

[*Signed by the Petitioner or his Mandatory.*]

SCHEDULE (Q.)

Form of Petition of Special Service.

Unto the Honourable the Sheriff of [*specify the County, or say* "of Chancery,"] the Petition of *A.B.* [*here name and design the Petitioner*],

Humbly showeth,

That the late *C.D.* [*here name and design the Ancestor*] died on or about the Day of [*state the Month and the Year at full Length*], last vest and seised in [*here describe or refer as in Schedule* (*E.*) *or Schedule* (*G.*) *to the Lands with reference to which the Service is sought*] conform to Disposition [*or other Deed or Conveyance*] dated the Day of and along with Warrant of Registration thereon, on behalf of the said *C.D.*, recorded in the Register of Sasines (*specify Register*) on the Day of [*or* conform to Disposition, *or whatever else was the Deed or Conveyance on which the Ancestor's Infeftment proceeded, here specify it,* dated the Day of , and to Instrument of Sasine following thereon, recorded in the Register of Sasines (*specify Register*) on the Day of , *or otherwise specify the Title of Deceased as recorded in the Register of Sasines*]; *and when the Lands are held under a Deed of Entail, here insert the Conditions, &c. at full Length, or refer to them in or as nearly as may be in the Form of Schedule* (*C.*) *or, if desired, refer to them as follows,* but always with and under the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be,*] contained in a Deed of Entail granted by *G.H.* [*here name and design the Grantor*] dated the Day of

of , in favour of *I.K.* [*here set forth the Destination, or such Part thereof as may be deemed necessary, or say* and the Heirs therein specified], and which Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be,*] are herein referred to, as at Length set forth in the said Deed of Entail, which is recorded in the Register of Tailzies on the Day of [*or* as at Length set forth in the above-mentioned recorded Disposition *or other Deed or Conveyance in favour of the Deceased, or as at Length set forth in any other recorded Deed or Conveyance. And in every Case where there are any Real Burdens, Conditions, Provisions, or Limitations, proper to be inserted or referred to, insert them here, or refer to them in or as nearly as may be in the Form of Schedule (D.)*].

That the Petitioner is the eldest Son [*or state what other Relationship or Character the Petitioner bears*] and nearest lawful Heir in special of the said *C.D.* in the Lands and others foresaid. [*If the Service is as Heir of Provision, say,* that the Petitioner is the eldest Son (*or state what other Relationship or Character the Petitioner bears*) and nearest lawful Heir of Provision in special of the said *C.D.* in the Lands and others foresaid, under and by virtue of a Deed [*or other Conveyance*] executed by *E.F.* dated [*here describe the Deed or Conveyance by Date, or otherwise describe it so as clearly to identify it*]. *And if the Service is as Heir of Entail, say,* that the Petitioner is the eldest Son (*or, state what other Relationship or Character the Petitioner bears*), and nearest and lawful Heir of Tailzie and Provision in special of the said *C.D.* in the Lands and others foresaid, under and by virtue of the said Deed of Entail.

[*If it is wished to embrace a Service in general in the same Character as that in which special Service is sought, say,* That the Petitioner is likewise Heir in general, *or* of Provision in general, *or* of Tailzie and Provision in general, *or otherwise, as the Case may be,* of the said *C.D.*]

May it therefore please your Lordship to serve the Petitioner nearest and lawful Heir [*or* Heir of Provision, *or* Heir of Tailzie and Provision, *or otherwise as the Case may be*] in special of the said deceased *C.D.* in the Lands and others above described [*and where a general Service is wished, add,* and likewise nearest and lawful Heir (*or* Heir of Provision, *or* Heir of Tailzie and Provision) in general of the said *C.D., or whatever else is the Character of Heir sought to be established, here set it forth as above*]. *And where the Service is as Heir of Tailzie and Provision, say here,* but always with and under the Conditions, Provisions, prohibitory, irritant, and resolutive Clauses, [*or* Clause authorizing Registration in the Register of Tailzies,] above referred to [*or* above written]; *and where there are Real Burdens, &c., say,* but always with and under the Real Burdens, *&c.* above referred to [*or* above written]. *And where there are several Parcels of Land or separate Estates, here add, if desired,* and to grant Warrant to the Director of Chancery to issue separate Extract Decrees applicable to One or more of such Parcels of Land or separate Estates.

According to Justice, *&c.*

[*Signed by the Petitioner or his Mandatory.*]

SCHE-

SCHEDULE (R.)

Form for a General Service where it is to be limited in its Effects by a Specification annexed.

No. 1.

The Petition will be in the Form of Schedule (P.), adding at the Close of the Statement of the Petitioner, but the Petitioner desires that his General Service shall be limited to the Contents of the Specification annexed; *and adding at the Close of the Prayer of Petition,* but under Limitation as aforesaid to the Contents of the Specification annexed.

No. 2.

Specification of the Lands and other Heritages which belonged to the deceased *C.D.* referred to in the Petition for General Service presented to the Sheriff of by *A.B.* as Heir of in general to the said deceased *C.D.*

[*Here insert a Description of the Lands and other Heritages intended to be included in the Service, distinguishing each separate Property or Heritage, if there are more than One, by a separate Number.*]

[*Signed by the Petitioner or his Mandatory.*]

SCHEDULE (S.)

Note for *A.B.* [*insert Name and Designation.*]

The said *A.B.* humbly prays that a Writ [*or* Charter, *or* Precept, *or other Deed, as the Case may be*] may be granted by Her Majesty [*or* the Prince and Steward of Scotland, *as the Case may be*] in Terms of the Draft herewith lodged and marked as relative hereto.

(Signed) *C.D.* (W.S.) Agent for the said *A.B.*

SCHEDULE (T.)

No. 1.

Crown Writ of Resignation.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. We, in respect of the within Clause [*or* Procuratory] of Resignation, dispone to *C. D.* the Lands contained in this Disposition [*or other Deed or Conveyance, as the Case may be*] in his Favour [*or* in favour of *A. B., or otherwise, as the Case may be, specifying shortly the connecting Title*], as Vassal in room and place of *E. F.* [*here name and design last Vassal in the Lands*], entered by [*here specify the Crown Charter or other Crown Writ by which the last Vassal was entered, and Instrument thereon, if any, and Date of Registration in the Register of Sasines if recorded, and of recording in the Register of Crown Writs*], but only in so far as consistent with the [*here specify, or refer to if previously specified, a Crown Charter or other Crown Writ containing the Tenendas and Reddendo, &c.,*] and with Our own Rights. [*If the Reddendo is to be different from that in the Crown Charter or other Crown Writ specified or referred to, or if the Vassal should desire, specify the Reddendo here.*]
Given at Edinburgh, the Day of in the Year

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

No. 2.

Crown Charter of Resignation.

Victoria, *&c.* We do hereby give, grant, and dispone, and for ever confirm to *A. B.* and his Heirs and Assignees whomsoever [*or in case there be a Substitution of Heirs, here insert it at full Length, or refer to it as in Schedule* (*C.*)], heritably and irredeemably, all and whole [*here insert, or refer as in Schedule* (*E.*) *or Schedule* (*G.*), *as the Case may be, to the Lands. In case there be any Conditions of Entail, or any Real Burdens, &c., proper to be inserted or referred to, insert them here immediately after the Description of the Lands, or refer to them as in Schedule* (*C.*) *or Schedule* (*D.*), *as the Case may be*], which Lands and others formerly belonged to *C. D.*, holden by him immediately of the Crown, in Terms of [*here state briefly the Investiture of the last entered Vassal, whether a Crown Precept and Sasine, or Crown Charter and Sasine, or other Crown Writ, as recorded in the Register of Sasines, or otherwise, as the Case may be*], and were at the Date of applying for these Presents resigned by him into Our Hands by virtue of a Procuratory [*or* Clause] of Resignation contained in a Disposition [*or other Deed or Conveyance, as the Case may be*] of the said Lands and others granted by him in favour of the said *A.B.*, dated [*here insert the Date*], to be holden, the said Lands and others, of Us, and Our Royal Successors, in Free Blench Farm for ever, paying therefor a Penny Scots yearly of Blench Duty, if asked only, [*or if the Lands were held formerly in Ward, say here,* in Free Blench as in room of Ward, paying therefor a Penny Scots yearly, as in room of the Ward Duties, if asked only, *or if held in Feu Farm, say here,* in Feu Farm, *and specify the Feu Duty and other Duties and Services, or otherwise, as the Case may be*].

In witness whereof, We have ordered the Seal now used for the Great Seal of Scotland, to be appended hereto of this Date [*if the Vassal desires the Seal to be appended, say here,* and the same is accordingly at the Request of the said *A.B.*

A.B. appended,] at Edinburgh, the Day of [*state the Day, Month, and Year*].

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

No. 3.

Crown Writ of Confirmation.

Victoria, *&c.* We confirm this Disposition [*or other Deed or Conveyance, as the Case may be*] in favour of *C. D.*, as Vassal in room and place of *E. F.* [*here name and design last Vassal in the Lands*], entered by [*here specify the Crown Charter or other Crown Writ by which the last Vassal was entered, and Instrument thereon, if any, and Date of Registration in Register of Sasines if recorded, and of recording in the Register of Crown Writs*], but only in so far as consistent with the [*here specify, or refer to if previously specified, a Crown Charter or other Crown Writ containing the Tenendas and Reddendo, &c.*], and with Our own Rights. [*If the Reddendo is to be different from that in the Crown Charter or other Crown Writ specified or referred to, or, if the Vassal should desire, specify the Reddendo here.*] Given at Edinburgh, the Day of in the Year

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

No. 4.

Crown Charter of Confirmation.

Victoria, *&c.* We do hereby confirm for ever, to and in favour of *A.B.* and his Heirs and Assignees whomsoever [*or in case there be a Substitution of Heirs, here insert it at full Length, or refer to it as in Schedule (C.)*], heritably and irredeemably, all and whole [*here insert, or refer as in Schedule (E.) or Schedule (G.), as the Case may be, to the Lands to be confirmed. In case there be any Conditions of Entail, or any Real Burdens, &c. proper to be inserted or referred to, insert them here immediately after the Description of the Lands, or refer to them as in Schedule (C.) or Schedule (D.), as the Case may be,*] and a [*here specify the Deed or Conveyance which is to be confirmed in favour of A. B., and if the same has been recorded with Warrant of Registration in his favour, add,*] with Warrant of Registration thereon in favour of the said *A. B.*], recorded in the [*here describe the Register in which the said Deed or Conveyance is recorded,*] on the Day of , [*or of whatever other Date the said Deed or Conveyance, or recording thereof may be*], in so far as they relate to the Lands and others hereby confirmed, to be holden, the said Lands and others, of Us, *&c.* [*as in No. 2. of this Schedule*].

In witness whereof, *&c.* [*as in No. 2. of this Schedule*].

General Note to Schedule (T.)—When the Writs and Charters Nos. 1, 2, 3, and 4 are to be granted by or on behalf of the Prince and Steward of Scotland, they will be in similar Form but will run in Name of the "Prince and Steward of Scotland," without adding His Highness' other Titles; and the Lands, instead of being described as holding of Her Majesty and Her Royal Successors, will, where it is necessary by the Form of the Writ or Charter to specify the holding, and be described as holding of the "Prince and Steward of Scotland," and the Seal referred to in the Testing Clause will be the Prince's Seal.

SCHEDULE (U.)

No. 1.

Crown Writ of Clare constat.

Victoria, *&c.* Whereas by Decree of General Service [*or* of Special Service, *as the Case may be*] of *A.B.* [*here insert the Name and Designation of the Heir*], dated [*here insert the Date of the Decree*], and recorded in Chancery [*here insert the Date of Registration*], and other authentic Instruments and Documents, it clearly appears that *C.D.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in [*here describe the Lands, or refer to them as in Schedule* (*E.*) *or Schedule* (*G.*), *as the Case may be*]; and that in virtue of [*here describe the Crown Charter or Crown Precept and Sasine, or recorded Crown Charter or Crown Precept, or other Crown Writ or Writs forming the last Investiture, by Dates, and Dates of Registration in the Register of Sasines and Register of Crown Writs, and when the Lands are held under a Deed of Entail, here insert the Destination, Conditions, &c., at full Length, or refer to them in, or as nearly as may be in, the Form of Schedule* (*C.*), *or if desired refer to them as follows*, but always with and under the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses (*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be*) contained in a Deed of Entail granted by *G.H.* (*here name and design the Grantor*) dated the Day of in favour of *I.K.* (*here set forth the Destination or such Part thereof as may be deemed necessary, or say* and the Heirs therein specified] and which Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be*] are herein referred to as at length set forth in the said Deed of Entail which is recorded in the Register of Tailzies on the Day of [*or as at length set forth in the above-mentioned recorded Charter, &c., forming the last Investiture, or as at length set forth in any other recorded Deed or Conveyance. And in every Case where there are real Burdens, Conditions, Provisions, or Limitations proper to be inserted or referred to, insert them here or refer to them in, or as nearly as may be in, the Form of Schedule* (*D.*);] and that the said *A.B.* is eldest Son and nearest and lawful Heir of the said *C. D.* [*or whatever Relationship and Character of Heir the Party holds, here state it*]. Therefore We hereby declare the said *A. B.* to be the Heir entitled to succeed to the said *C. D.* in the said Lands to be holden of Us and Our Royal Successors in manner and for Payment of the Duties specified in the [*here specify, or refer to, if previously specified, a Crown Charter or other Crown Writ containing the Tenendas and Reddendo. If the Reddendo is different from that in the Crown Charter or other Crown Writ specified or referred to, or if the Vassal should desire, specify the Reddendo here.*] Given at Edinburgh, the Day of in the Year

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

No. 2.

Precept from Chancery.

Victoria, *&c.* Whereas by Decree of General Service [*or* of Special Service, *as the Case may be,*] of *A. B.* [*here insert the Name and Designation of the Heir*], dated

dated [*here insert the Date of the Decree*], and recorded in Chancery [*here insert the Date of Registration*], and other authentic Instruments and Documents, it clearly appears that *C.D.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in, *&c.*, [*as in No.* 1. *of this Schedule down to and including the Statement of the Relationship and Character of Heir which the Party holds, then say*] and that the said Lands and others are holden of Us and Our Royal Successors [*here state the Tenure, Blench, Feu, or other*], for Payment [*here state the Reddendo from the last Charter or other Writ, as the Case may be*]. Therefore We hereby desire any Notary Public to whom these Presents may be presented to give to the said *A.B.* as Heir foresaid Sasine of the Lands and others before described; [*if there are Conditions of Entail, &c., or real Burdens, here add*] but always with and under the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be*,] [*or* with and under the Burdens, Conditions, Provisions, and Limitations, *as the Case may be*], above specified *or* referred to, *as the Case may be*. Given at Edinburgh, the Day of in the Year

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

General Note to Schedule (U).—When the Writ or Precept is to be granted by or on behalf of the Prince and Steward of Scotland, they will be in similar Form, but will run in Name of the Prince and Steward of Scotland without adding His Highness's other Titles; and the Lands, instead of being described as holding of Her Majesty and Her Royal Successors, will be described as holding of the Prince and Steward of Scotland.

SCHEDULE (V.)

No. 1.

Writ of Confirmation by Subject Superior.

I, *A. B.* [*here insert Name and Designation of Superior*], hereby confirm this Disposition [*or other Deed or Conveyance, as the Case may be*] in favour of *C.D.*, as Vassal in room and place of *E.F.* [*here name and design last Vassal in the Lands*] entered by [*here specify the Charter or other Writ by which the last Vassal was entered, Instrument thereon if any, and Date of Registration in the Register of Sasines if recorded*], but only in so far as consistent with the [*here specify, or refer to if previously specified, a Charter or other Writ containing the Tenendas and Reddendo, &c.*], and with my own Rights. [*If the Reddendo is to be different from that in the Charter or other Writ specified or referred to, or if the Vassal should desire, specify the Reddendo here.*] In witness whereof [*insert a Testing Clause in usual Form*].

No. 2.

Charter of Confirmation by Subject Superior.

I, *A. B.*, immediate lawful Superior of the Lands and others after mentioned, do hereby confirm for ever to and in favour of *C. D.* [*here name the Party in whose Favour the Charter is granted*], and his Heirs and Assignees whomsoever heritably

heritably and irredeemably, all and whole [*here insert, or refer, as in Schedule* (*E.*) *or Schedule* (*G.*), *as the Case may be, to the Lands to be confirmed, and if under Conditions of Entail or Real Burdens, &c., insert them or refer to them as in Schedule* (*C.*) *or Schedule* (*D.*), *as the Case may be*], and a [*here specify the Deed or Conveyance which is to be confirmed in favour of C. D., and if the same has been recorded with Warrant of Registration in his favour add* with Warrant of Registration thereon], in favour of the said *C. D.*, recorded in the [*here describe the Register in which the said Deed or Conveyance is recorded*] on the Day of , or of whatever other Date or Tenor the said Disposition [*or other Deed or Conveyance*] may be, and that in so far as relates to the Lands and others hereby confirmed, to be holden, the said Lands and others, immediately of me and my Successors, Superiors thereof, in Free Blench Farm [*or* in Feu Farm, *as the Case may be*], for ever, paying therefor [*here insert the Reddendo*]. And I consent to the Registration hereof for Preservation. In witness whereof [*insert a Testing Clause in usual Form*].

No. 3.

Writ of Resignation by Subject Superior.

I, *A.B.* [*here insert Name and Designation of Superior*], in respect of the within Clause [*or* Procuratory] of Resignation, dispone to *C. D.* the Lands contained in this Disposition [*or other Deed or Conveyance, as the Case may be,*] in his Favour [*or* in favour of *G. H., or otherwise, as the Case may be, specifying shortly the connecting Title*], as Vassal in room and place of *E. F.* [*here name and design last Vassal in the Lands*] entered by [*here specify the Charter or other Writ by which the last Vassal was entered, and Instrument thereon, if any, and Date of Registration in Register of Sasines if recorded*] but only in so far as consistent with the [*here specify or refer to if previously specified a Charter or other Writ containing the Tenendas and Reddendo, &c.*] and with my own Rights. [*If the Reddendo is to be different from that in the Charter or other Writ specified or referred to, or if the Vassal should desire, specify the Reddendo here.*] In witness whereof [*insert a Testing Clause in usual Form*].

No. 4.

Charter of Resignation by a Subject Superior.

I, *L.M.*, immediate lawful Superior of the Lands and others after mentioned, do hereby give, grant, dispone, and for ever confirm to *A.B.* and his Heirs and Assignees whomsoever [*or in case there be a Substitution of Heirs here insert it at full Length or refer to it as in Schedule* (*C.*)], heritably and irredeemably, all and whole [*here insert or refer as in Schedule* (*E.*) *or Schedule* (*G.*), *as the Case may be, to the Lands, and if held under Conditions of Entail or Real Burdens, &c., insert them or refer to them as in Schedule* (*C.*) *or Schedule* (*D.*), *as the Case may be*], which Lands and others formerly belonged to *C.D.*, holden by him of me as his immediate lawful Superior thereof, in Terms of [*here state briefly the Investiture of the last entered Vassal*], and have been resigned by him into my Hands by virtue of a Procuratory [*or* Clause] of Resignation contained in a Disposition [*or other Deed or Conveyance, as the Case may be*]

of the said Lands and others granted by him in favour of the said *A.B.*, dated [*here insert the Date*]; to be holden the said Lands and others of me, my Heirs and Successors, in Free Blench Farm [*or* in Feu Farm, *as the Case may be*] for ever, paying therefor [*here insert the Reddendo*]; and I consent to the Registration hereof for Preservation. In witness whereof [*insert a Testing Clause in usual Form*].

SCHEDULE (W.)

No. 1.

Writ of Clare constat by a Subject Superior.

I, *A.B.* [*insert Name and Designation of Superior*]: Whereas by Decree of General Service, [*or* of Special Service, *as the Case may be*] of *C.D.* [*here insert the Name and Designation of the Heir*], dated [*here insert the Date of the Decree*], and recorded in Chancery [*here insert the Date of Registration*], and other authentic Instruments and Documents [*or* by authentic Instruments and Documents], it clearly appears that *E.F.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in [*here describe the Lands, or refer to them as in Schedule* (*E.*) *or Schedule* (*G.*), *as the Case may be*] and that in virtue of [*here describe the Charter or Precept and Sasine, or recorded Charter or Precept, or other Writ or other Deed or Conveyance forming the last Investiture, by Dates, and Dates of Registration in the Register of Sasines, and where the Lands are held under a Deed of Entail here insert the Destination, Conditions, &c. at full Length, or refer to them in or as nearly as may be in the Form of Schedule* (*C.*), *or if desired refer to them as follows*, but always with and under the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses (*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be*) contained in a Deed of Entail granted by *G. H.* (*here name and design the Grantor*) dated the Day of in favour of *I. K.* (*here set forth the Destination or such Part thereof as may be deemed necessary, or say* and the Heirs therein specified) and which Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses (*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be*) are herein referred to as at length set forth in the said Deed of Entail, which is recorded in the Register of Tailzies on the Day of (*or as at length set forth in the above-mentioned recorded Charter, &c. forming the last Investiture, or as at length set forth in any other recorded Deed or Conveyance. And in every Case where there are any Real Burdens, Conditions, Provisions, or Limitations proper to be inserted or referred to insert them here, or refer to them in or as nearly as may be in the Form of Schedule* (*D.*)]; and that the said *C.D.* [*or if the Heir has not been previously named, here say,*] and that *C.D.* [*here insert his Name and Designation*] is eldest Son and nearest lawful Heir of the said *E.F.* [*or whatever Relationship and Character of Heir the Party holds, here state it*]. Therefore, I hereby declare the said *C.D.* to be the Heir entitled to succeed to the said *E.F.* in the said Lands, to be holden of me and

my

my Successors in manner and for Payment of the Duties specified in the [*here specify or refer to if previously specified a Charter or other Writ containing the Tenendas and Reddendo. If the Reddendo is different from that in the Charter or other Writ specified or referred to, or if the Vassal should desire, specify the Reddendo here.*] In witness whereof [*insert a Testing Clause in usual Form*].

No. 2.

Precept of Clare constat by a Subject Superior.

I, *A.B.* [*here insert Name and Designation of Superior*]: Whereas, *&c.* [*as in No.* 1. *of this Schedule*] it clearly appears that *E.F.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in, *&c.* [*as in No.* 1. *of this Schedule down to and including the Statement of the Relationship and Character of Heir which the Party holds*]; and that the said Lands and others are holden of me and my Successors, as Superiors thereof, in Free Blench Farm [*or* Feu Farm, *as the Case may be*], for ever, for Payment of [*here specify the Reddendo*]. Therefore I desire any Notary Public to whom these Presents may be presented to give to the said *C.D.*, as Heir aforesaid, Sasine of the Lands and others above described. [*If there are Conditions of Entail, &c. or other Burdens or Qualifications, here add,* but always with and under the Conditions, Provisions, and prohibitory, irritant, and resolutive Clauses, (*or* Clause authorizing Registration in the Register of Tailzies,) (*or* with and under the Real Burdens, Conditions, Provisions, and Limitations, *as the Case may be,*) above specified *or* referred to, *as the Case may be.*] In witness whereof [*insert a Testing Clause in usual Form*].

No. 3.

Writ of Clare constat in Burgage Subjects.

We, the Provost and Bailies of the Burgh of [*insert Name*], being the Magistrates of said Burgh, acting under and in Terms of "The Titles to Land Consolidation (Scotland) Act, 1868": Whereas it clearly appears that *C.D.* [*insert Name and Designation of the Ancestor*] died last vest and seised as of Fee in, *&c.* [*as in No.* 1. *of this Schedule down to and including the Statement of the Relationship and Character of Heir which the Party holds*] Therefore, we hereby declare the said *A.B.* to have Right to the said Lands as Heir foresaid. In witness whereof [*to be signed by the Provost or Acting Chief Magistrate for the Time, and the Town Clerk (or by One of the Town Clerks where there are more than One), and tested in usual Form*].

SCHEDULE (X.)

No. 1.

Petition to the Lord Ordinary for Forfeiture of Superiority where Reddendo does not exceed Five Pounds.

Unto the Honourable the Lord Ordinary on the Bills, the Petition of *A.B.* humbly showeth, That by Disposition dated the granted by *C.D.*

C.D. of the said *C.D.* disponed to the Petitioner all and whole [*here describe the Subjects as in the Disposition*] to be held of the Disponer's Superior, with Warrants of Resignation and Infeftment:

That the Petitioner's Author, the said *C.D.*, held the said Lands and others, of and under the late *E.F.* as his immediate lawful Superior, for an annual Reddendo not exceeding in Value or Amount Five Pounds Sterling; that *G.H.* is the eldest Son [*or whatever other Relation he is*] and Apparent Heir of the said *E.F.*, and as such has Right to the Superiority of the said Lands and others, but he has not made up a feudal Title thereto, and is therefore not in a Situation to grant Entry to the Petitioner, although demanded from him; and the Petitioner now applies to your Lordship for Redress in Terms of the Act [*here mention this Act*], and produces the above-mentioned Disposition in his Favour.

May it therefore please your Lordship, in Terms of the said Act, to grant Warrant for serving this Petition on the said *G. H.* personally, or at his Dwelling Place [*here add a Prayer for Edictal Citation in the usual Form, if the Party is furth of Scotland*], and to ordain him, within Thirty Days after the Date of such Service [*or* within Sixty Days, *if he be furth of Scotland, or in Orkney or Shetland*], to procure himself entered and infeft in the said Lands and others, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the said Superiority; and in the event of the said *G. H.* failing so to complete his Title and grant Entry to the Petitioner, or to show reasonable Cause why he delays or refuses so to do, to find and declare that the said *G. H.* has forfeited and amitted all Right to the said Superiority, and that the Petitioner and his Heirs and Successors are entitled to hold the said Lands and others in all Time coming as Vassals immediately of and under the next Over Superior by the Tenure and for the Reddendo by and for which the forfeited Superiority was held. According to Justice, *&c.*

NOTE.—The above Form is applicable to the Case where the Petitioner requires a Charter or Writ of Resignation. In other Cases the Form must be varied, so far as necessary, to suit the Circumstances.

No. 2.

Interlocutor by Lord Ordinary on above Petition.

The Lord Ordinary grants Warrant to Messengers-at-Arms to serve the said Petition and this Deliverance on the said *G. H.* as prayed for, and ordains the said *G.H.*, within Thirty Days [*or* Sixty Days, *as the Case may be*] after the Date of such Service, to procure himself entered and infeft in the Lands and others described in the Petition, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the said Superiority in Terms of the said Act.

No. 3.

No. 3.

Decree by Lord Ordinary on above Petition.

The Lord Ordinary, having resumed Consideration of the said Petition, with the Execution thereon, now expired, in respect the said *G. H.* has not shown Cause for delaying or refusing to complete his Title to the Superiority, and to grant an Entry to the Petitioner, finds and declares, That the said *G. H.* has forfeited and amitted all Right to the said Superiority, and that the Petitioner and his Heirs and Successors are entitled to hold the Lands and others described in the Petition in all Time coming as Vassals immediately of and under the next Over Superior by the Tenure and for the Reddendo by and for which the said forfeited Superiority was held; grants Warrant to the Petitioner and his foresaids to apply for and obtain an Entry in the said Lands and others from the said Over Superior, in the Terms foresaid, and decerns and ordains the Decree to be extracted hereon to be recorded in the Register of Sasines.

SCHEDULE (Y.)

No. 1.

Petition to the Lord Ordinary for Forfeiture of Feu Duties under or above Five Pounds.

Unto the Honourable the Lord Ordinary on the Bills, the Petition of *A. B.* humbly showeth, That by Disposition dated the day of granted by *C.D.* of the said *C. D.* disponed to the Petitioner all and whole [*here describe the Subjects as in the Disposition*] to be held of the Disponer's Superior, with Warrants of Resignation and Sasine:

That the Petitioner's Author, the said *C. D.*, held the said Lands and others of and under the late *E. F.* as his immediate lawful Superior; that *G. H.* is the eldest Son [*or whatever other Relation he is*] and Apparent Heir of the said *E.F.*, and as such has Right to the Superiority of the said Lands and others, but he has not made up a feudal Title thereto, and is therefore not in a Situation to grant Entry to the Petitioner, although demanded from him. The Petitioner now applies to your Lordship for Redress in Terms of the Act [*here mention this Act*], and produces the above-mentioned Disposition in his Favour.

May it therefore please your Lordship, in Terms of the said Act, to grant Warrant for serving this Petition on the said *G. H.* personally, or at his Dwelling Place [*here add a Prayer for Edictal Citation in the usual Form, if the Party is furth of Scotland*], and to ordain him, within Thirty Days after the Date of such Service [*or* within Sixty Days, *if he be furth of Scotland, or in Orkney or Shetland*], to procure himself entered and infeft in the said Lands and others, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the Duties and Casualties payable on the Entry of the Petitioner, and that the Petitioner shall be entitled to retain from him and his Successors, as

immediate Superiors, the yearly Feu Duties and whole other Prestations, until fully paid and indemnified for all the Expenses of this Petition and Procedure to follow hereon, and for all the Expenses of completing the Petitioner's Title in Terms of the said Act; and thereafter, on resuming Consideration of this Petition, with or without Answers, to find and declare that the said *G.H.* has forfeited and amitted all Right to the Dues and Casualties payable on the Entry of the Petitioner, and that the Petitioner is entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for all the Expenses of this Petition, and of the Procedure to follow hereon, and for all the Expenses of completing the Petitioner's Title in Terms of the said Act; and also to grant Warrant to the Petitioner to apply for and obtain an Entry in the said Lands and others from the Crown [*or* Prince of Scotland, *or I. K.*, the mediate Over Superior], as acting in the vice of the said *G. H.*, and to authorize Decree to the above Effect to be extracted ad interim; and thereafter, upon the Completion of the Petitioner's Title by an Entry from the Crown [*or* Prince of Scotland, *or* such mediate Over Superior] as aforesaid, to remit the Accounts of the Expenses of this Petition and Procedure hereon, and of the Expenses of completing the Petitioner's Title, to the Auditor to tax the same, and to report, and to modify the Amount of the said Expenses, and to decern for Retention of the Amount thereof as aforesaid, [*if the Parties have agreed to or are in Treaty for a Relinquishment, add,* or in the event of the said *G.H.* relinquishing the Superiority, to find, decern, and declare the same to be extinguished in Manner and to the Effect expressed in the Statute,] or to do otherwise in the Premises as to your Lordship shall seem just. According to Justice, *&c.*

NOTE.—The above Form is applicable to the Case where the Petitioner requires a Writ of Registration. In other Cases the Form must be varied so far as necessary to suit the Circumstances.

No. 2.

Interlocutor by Lord Ordinary in above Petition.

The Lord Ordinary grants Warrant to Messengers-at-Arms to serve the said Petition and this Deliverance on the said *G.H.*, as prayed for, and ordains the said *G.H.*, within Thirty Days [*or* Sixty Days, *as the Case may be*] after the Date of such Service, to procure himself entered and infeft in the Lands and others described in the Petition, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the Duties and Casualties payable on the Petitioner's Entry, and that the Petitioner shall be entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and the whole other Prestations, until fully paid and indemnified for the Expenses of the Petition and Procedure thereon, and for all the Expenses of completing the Petitioner's Title in Terms of the said Act.

No. 3.

No. 3.

Decree by Lord Ordinary in above Petition.

The Lord Ordinary, having resumed Consideration of the said Petition, with the Execution thereon, now expired, in respect the said *G.H.* has not shown Cause for delaying or refusing to complete his Title to the Superiority, and to grant an Entry to the Petitioner, finds and declares, That the said *G.H.* has forfeited and amitted all Right to the Duties and Casualties payable on the Entry of the Petitioner, and that the Petitioner is entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations, until fully paid and indemnified for all the Expenses of the said Petition and Procedure thereon, and for all the Expenses of completing the Petitioner's Title; grants Warrant to the Petitioner to apply for and obtain an Entry in the Lands and others described in the Petition from the Crown [*or* Prince of Scotland, *or I.K.*, the mediate Over Superior], as acting in vice of the said *G.H.*, and decerns and allows this Decree to go out and be extracted ad interim; and, on the Petitioner's Title being completed, appoints Accounts of the Expenses of the Petition and Procedure thereon, and of completing the Title, to be lodged, and remits the same, when lodged, to the Auditor to tax and report.

No. 4.

Finding for Expenses in above Petition.

The Lord Ordinary approves of the Auditor's Report on the Petitioner's Account of Expenses, modifies the same to £ Sterling, and decerns against the said *G.H.* for Payment thereof to the Petitioner by Retention, as prayed for [*or* personally against the said *G.H., as the Case may be*].

SCHEDULE (Z.)

No. 1.

Writ of Confirmation on Decree of Forfeiture in case of Feu Duties above Five Pounds.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. We confirm this Disposition [*or other Deed or Conveyance, as the Case may be*] in favour of *A.B.*; to be holden the said Lands and others of the Crown as in room of *G.H.* [*here name and design the Person against whom Decree has been obtained*], the eldest Son [*or whatever other Relation he may be*] of *E.F.* [*here name and design the Person last infeft in the Superiority*], who was last infeft in the immediate Superiority of the said Lands, in respect that the said *G.H.* having failed to complete his Title to the said Superiority, and to grant an Entry to the said *A.B.*, the said *A.B.*, in virtue of an Act [*here set forth the Title of this Act*], obtained a Decree by the Lord Ordinary on the Bills, dated the granting Warrant to the said *A.B.* to apply for and obtain an Entry in the said Lands and others from the Crown, as acting in vice of the said *G.H.*, and that while

while and so long as the said *G.H.* and his Successors, the immediate Superiors thereof, shall remain unentered, and thereafter until a new Entry shall become requisite, and that by the same Tenure by which the same were or might have been holden of the said *G.H.*; and for Payment to him and his Successors, who are properly immediate lawful Superiors of the said Lands and others, of the annual Duties and Casualties heretofore payable, but only upon the Completion of their Title in the Superiority. Given at Edinburgh, the Day of in the Year .

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

No. 2.

Writ of Resignation on Decree of Forfeiture in case of Feu Duties above Five Pounds.

Victoria, *&c.* We do hereby dispone to *A.B.* [*here name the Disponee*] the Lands contained in this Disposition [*or other Deed or Conveyance, as the Case may be*], in his Favour, which Lands formerly belonged to *C.D.* [*here name and design the Disponer*], holden by him immediately of *E.F.* [*here name and design the Person who died last infeft in the Superiority*], in Terms of [*here state the Investiture of the Disponer*], and now of the Crown as in vice of the immediate Superior thereof, in respect that the said *E.F.* being dead, and *G.H.*, his eldest Son [*or whatever other Relation he may be*] and Heir Apparent, who is in Right of the Superiority, having failed to complete his Title thereto, and to grant an Entry to the said *A.B.*, the said *A.B.*, in virtue of an Act [*here set forth the Title of this Act*], obtained a Decree by the Lord Ordinary on the Bills, dated the day of granting Warrant to the said *A.B.* to apply for and obtain an Entry in the said Lands and others from the Crown as acting in vice of the said *G.H.*, and which Lands and others have been resigned into Our Hands as in vice of the said *G.H.*, by virtue of the Clause [*or* Procuratory] of Resignation contained in this Disposition [*or other Deed or Conveyance, as the Case may be*]; to be holden the said Lands and others of the Crown as in room of the said *G.H.*, who is properly the immediate lawful Superior thereof, while and so long as he and his Successors, the immediate Superiors thereof, shall remain unentered, and thereafter until a new Entry shall become requisite, and that by the same Tenure by which the same were or might have been holden of the said *G.H.*; and for Payment to him and his Successors, who are properly the immediate lawful Superiors of the said Lands and others, of the annual Duties and Casualties heretofore payable, but only upon the Completion of their Title in the Superiority. Given at Edinburgh the Day of in the Year .

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

NOTE.—The Writ in favour of an Adjudger will be in similar Terms, but under the proper Modification; and a Writ of Clare constat from Chancery in favour of the Vassal's Heir, who has obtained Decree against the unentered Heir Apparent of his Superior, will be in similar Terms as applied to the Style of such a Writ; and if the Writ is by the Prince or the mediate Over Superior, the necessary Alterations will be made.

SCHE-

SCHEDULE (AA.)

No. 1.

Writ of Confirmation proceeding on a Decree of Forfeiture or Relinquishment.

I, *L.M.*, immediate lawful Superior of the Lands and others contained in the within Disposition [*or other Deed or Conveyance, as the Case may be*], in virtue of a Decree of Forfeiture [*or* Relinquishment, *as the Case may be*] against *G.H.*, Heir Apparent of my immediate Vassal last infeft in the said Lands and others, pronounced by Lord Ordinary on the Bills, upon the Day of in a Petition at the Instance of *A.B.* [*here design the Disponee*], do hereby confirm this Disposition [*or other Deed or Conveyance, as the Case may be*], in favour of the said *A.B.*; to be holden, the said Lands and others, by the said *A.B.* and his foresaids, in all Time hereafter, immediately of me and my Successors, as Superiors thereof, in Free Blench Farm, [*or* in Feu Farm, *as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,*] for ever, paying therefor [*here specify the Reddendo for which the forfeited or relinquished Superiority was held*]. In witness whereof [*insert a Testing Clause in the usual Form*].

No. 2.

Writ of Resignation proceeding on a Decree of Forfeiture or Relinquishment.

I, *L.M.*, immediate lawful Superior of the Lands and others contained in the within Disposition [*or other Deed or Conveyance, as the Case may be*], in virtue of a Decree of Forfeiture [*or* Relinquishment, *as the Case may be*] against *G.H.*, Heir Apparent of my immediate Vassal last infeft in the said Lands and others, pronounced by Lord Ordinary on the Bills, upon the Day of in a Petition at the Instance of *A.B.* [*here design the Disponee*], do hereby dispone to the said *A.B.* the Lands contained in this Disposition [*or other Deed or Conveyance, as the Case may be,*] in his Favour, [*or* in favour of *C.D., or otherwise, as the Case may be, specifying shortly the connecting Title,*] which Lands formerly belonged to [*here insert the Designation of the Disponer*], holden by him under my immediate Vassal, and now of myself, in Terms of [*here state briefly the Investiture of the last entered Vassal*], and have been resigned by the said *A.B.* in my Hands, as now coming in place of his immediate Superior, by virtue of the Clause [*or* Procuratory] of Resignation contained in the within Disposition [*or other Deed or Conveyance, as the Case may be*]; to be holden the said Lands immediately of me and my Successors, as Superiors thereof, in Free Blench Farm, [*or* in Feu Farm, *as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,*] for ever, paying therefor [*here specify the Reddendo for which the forfeited or relinquished Superiority was held*]. In witness whereof [*insert a Testing Clause in the usual Form*].

No. 3.

Writ of Clare constat proceeding on a Decree of Forfeiture or Relinquishment.

I, *A.B.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [*or* Relinquishment, *as the Case may be*] against *G.H.*, Heir Apparent of my immediate Vassal last infeft in the said Lands and others, pronounced by Lord Ordinary on the Bills, dated the Day of in a Petition at the Instance of *C.D.* [*here name and design the Heir in whose Favour the Writ is to be granted*]: Whereas by authentic Instruments and Documents it clearly appears that *E.F.* [*here name and design the Ancestor*] died last vest and seised as of Fee in, *&c.* [*as in Schedule (W.) No. 1. down to and including the Statement of the Relationship and Character of Heir which the Party holds*]; and that the said Lands and others are, in virtue of the said Decree, now holden of me and my Successors, as Superiors thereof, in Free Blench Farm, [*or* Feu Farm, *as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,*] for ever, for Payment of [*here specify the Reddendo for which the forfeited or relinquished Superiority was held*]. Therefore, I hereby declare the said *C.D.* to be the Heir entitled to succeed to the said *E.F.* in the said Lands to be holden of me and my foresaids for Payment of the said Duties. In witness whereof [*insert a Testing Clause in the usual Form*].

NOTE.—Where the next Superior is the Crown, Writs by the Crown will be granted in similar Terms to the above, but adapted to the Forms of Chancery.

SCHEDULE (BB.)

No. 1.

Form of Minute of Relinquishment of Superiority by Apparent Heir.

Minute of Relinquishment by as Heir Apparent of in the Lands after-mentioned in the Petition at the Instance of [*here name and describe the Petitioner*].

I, *A.B.*, eldest lawful Son [*or whatever Relation he may be*] and nearest lawful Heir Apparent of *C.D.*, the Person last infeft in the Superiority of the Lands of [*here describe the Lands fully*], which Right of Superiority is holden immediately of and under the Crown [*or other Over Superior, as the Case may be*], do absolutely and gratuitously [*or if any Price paid, say,* in consideration of £ Sterling to be paid to me,] relinquish and renounce the Superiority of the said Lands to which I hold Right as Heir Apparent aforesaid in favour of the Petitioner and his Successors in the said Lands. In witness whereof, *&c.* [*To be signed by the Party, or by his Mandatory or Agent duly authorized in Writing, and duly tested.*]

No. 2.

No. 2.

Minute of Acceptance of above Relinquishment.

I accept Relinquishment in Terms of this Minute. [*To be signed by the Petitioner, or his Counsel or Agent.*]

No. 3.

Decree of Lord Ordinary following on the above Minutes.

The Lord Ordinary interpones his Authority to the Minute of Relinquishment lodged by the Respondent, and decerns and declares the Right of Superiority thereby relinquished to be extinguished to the Effect of giving Right to the Petitioner and his Successors to hold the Lands and others described in the Petition, immediately of and under the Party who is Superior of the Feu now given up and extinguished, and by the Tenure and for the Reddendo by and for which the relinquished Feu was held, and decerns and appoints the Decree to be extracted hereon to be recorded in the Register of Sasines.

SCHEDULE (CC.)

No. 1.

Deed of Relinquishment of Superiority.

I, *A.B.*, immediate lawful Superior of all and whole [*here describe the Lands*], do hereby absolutely and gratuitously, [*or* in consideration of the Sum of Pounds paid to me, *or, if the Superiority is entailed,* consigned in the (*specify Bank*) subject to the Orders of the Court of Session,] relinquish and renounce my Right of Superiority of the said Lands in favour of *C.D.*, my immediate Vassal, and his Successors therein, and declare that the said Lands shall no longer be held of me as Superior, but shall be held of my immediate lawful Superior in all Time to come. In witness whereof [*insert Testing Clause in the usual Form*].

No. 2.

Acceptance by Vassal written on Deed of Relinquishment.

I, *C.D.*, the immediate Vassal in the Lands described in this Deed, accept the Relinquishment of the Superiority of the said Lands. In witness whereof [*insert a Testing Clause in the usual Form*].

No. 3.

Crown Writ of Investiture written on Deed of Relinquishment.

Victoria, *&c.* We, lawful Superior of the Lands contained in this Deed, accept and receive *C.D.*, and his Heirs and Successors whomsoever [*or otherwise, according to the Destination contained in the Title to the Lands*], in place of *E.F.*, and his Heirs and Successors, in virtue of the above Deed of Relinquishment,

and

and Acceptance thereof; to be holden the said Lands by the said *C.D.* and his foresaids of us, *&c.* [*specify the Tenendas and Reddendo contained in the Titles of the relinquished Superiority; also insert or refer to the Conditions and Limitations, if any, under which the Lands are held by the Vassal as in No.* 1. *Schedule* (*U.*)]. Given at Edinburgh, the Day of in the Year

[*Signed by the Director of Chancery, or his Depute or Substitute.*]

NOTE.—If the Writ is by the Prince or the mediate Over Superior the necessary Alteration will be made.

SCHEDULE (DD.)

Form of Minute excluding Executors in an Heritable Security.

I, *A.B.*, [*here name and design the Creditor*] hereby exclude Executors from the Bond and Disposition in Security [*or other Security, here specify it by Date, &c., and if recorded in Register of Sasines specify the Date of such recording, or if followed by an Instrument so recorded specify the Date of recording such Instrument, and if the Security has not been completed by Infeftment, here say,* the within Bond and Disposition in Security (*or* Assignation, *or other Deed or Conveyance thereof, as the Case may be*)]. In witness whereof, *&c.* [*insert Testing Clause in usual Form*].

SCHEDULE (EE.)

Form of a Minute of Removal of the Exclusion of Executors in an Heritable Security.

I, *A.B.*, [*here name and design the Creditor,*] hereby remove the Exclusion of Executors contained in [*or* endorsed on] the Bond and Disposition in Security [*or* Assignation, *or otherwise, as the Case may be, specifying the same as in Schedule* (*DD.*) *or* contained in the Minute of Exclusion of Executors (*specify Date of Minute and of recording the same in the Register of Sasines*)]. In witness whereof, *&c.* [*insert a Testing Clause in usual Form*].

SCHEDULE (FF.)

No. 1.

Form of a Bond and Disposition in Security.

I, *A.B.*, [*here name and design the Grantor,*] grant me to have instantly borrowed and received from *C.D.* [*here name and design the Creditor*] the Sum of [*insert the Sum*] Sterling; which Sum I bind myself, and my Heirs, Executors, and Representatives whomsoever, without the Necessity of discussing them in their Order, to repay to the said *C.D.*, his Executors [*or* his Heirs, excluding Executors] or Assignees whomsoever, at the Term of [*here insert the Date and Place*

Place of Payment], with a Fifth Part more of liquidate Penalty in case of Failure, and the Interest of said Principal Sum at the Rate of per Centum per Annum from the Date hereof to the said Term of Payment, and half-yearly, termly, and proportionally thereafter during the Not-payment of the same, and that at Two Terms in the Year, Whitsunday and Martinmas, by equal Portions, beginning the First Term's Payment of the said Interest at the Term of next, for the Interest due preceding that Date, and the next Term's Payment thereof at following, and so forth half-yearly, termly, and proportionally thereafter during the Not-payment of the Principal Sum, with a Fifth Part more of the Interest due at each Term of liquidate Penalty in case of Failure in the punctual Payment thereof. And in security of the personal Obligation before written, I dispone to and in favour of the said *C.D.* and his foresaids, heritably, but redeemably as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, all and whole [*here describe or refer as in Schedule* (*E.*) *or Schedule* (*G.*) *to the Lands*] (*a*), and that in Real Security to the said *C.D.* and his foresaids of the whole Sums of Money above written, Principal, Interest, and Penalties; and I assign the Rents, and I assign the Writs, and I grant Warrandice, and I reserve Power of Redemption, and I oblige myself for the Expenses of assigning and discharging this Security; and on default in Payment I grant Power of Sale; and I consent to Registration for Preservation and Execution. In witness whereof, *&c.* [*insert a Testing Clause in usual Form*].

(*a*) If the Lands are held under any Real Burdens, Conditions, Provisions, or Limitations, insert them here or refer to them in or as nearly as the Circumstances may require in the Form of Schedule (D).

No. 2.

Form of Schedule of Intimation, Requisition, and Protest.

I, *A.B.* [*design him*], Procurator for *C.D.* [*design Creditor in right of the Security*], in whose Favour the Bond and Disposition in Security after mentioned was granted, [*or, if he is not the original Creditor,* now in right of the Bond and Disposition in Security after mentioned,] do hereby give Notice to you *E.F.* [*design Debtor under the Security*] that Payment is now required of the Sum of £ being the Principal Sum due under the Bond and Disposition in Security, dated and recorded , granted by you *E.F.* [*or by G.H.*] in favour of the said *C.D.* [*or original Creditor*], [*if C.D. is not the original Creditor, add,* to which *C.D.* has now Right by various Transmissions, *but these Transmissions need not be particularly specified,*] and of the Sum of £ , being the Interest due at present on the said Principal Sum, with such further Sum of Interest as shall accrue on the said Principal Sum till paid. And I further give you Notice, that if at the Expiry of the Period of Three Months from the Date hereof the Sums, Principal and Interest, and liquidate Penalty incurred and to be incurred, of which Payment is now required shall not be paid in Terms of the said Bond and Disposition in Security, then the said *C.D.*, or the Person or Persons who may then be in right of the said Bond and Disposition in Security, may proceed to sell the Lands and others [*or* Subjects] thereby conveyed in the Manner provided by the "Titles

to Land Consolidation (Scotland) Act, 1868," and with all Powers and Privileges conferred on or competent to Creditors under Bonds and Dispositions in Security by that Act. This I do at on the Day of before and in Presence of *L.M.*, Notary Public, and *N.O.* and *P.Q.* [*design them*], Witnesses to the Premises, called and required, and hereto with me subscribing.

(Signed) *A.B.*

N.O., Witness.
P.Q., Witness.

No. 3.

Certificate by Notary on Copy of foregoing Schedule.

I certify that what is above written is a true Copy.

(Signed) *L.M.*, Notary Public.

SCHEDULE (GG.)

Form of Assignation of a Bond and Disposition in Security constituted by Infeftment.

I, *A.B.*, [*name and design Cedent,*] in consideration of the Sum of [*insert Sum*] now paid to me by *C.D.* [*name and design Assignee*], do hereby assign and dispone, to and in favour of *C.D.* and his Executors [*or* Heirs excluding Executors] and Assignees whomsoever a Bond and Disposition in Security, [*or* Heritable Bond, *or other Security, as the Case may be,*] dated the [*insert the Date, and when recorded, add* and recorded as after mentioned], for the Sum of [*insert Sum*] granted by *E.F.* [*name and design Debtor*] in my Favour, [*or* in favour of *G.H., as the Case may be,*] with Interest from the [*insert Date*], and also all and whole [*describe or refer as in Schedule (E.) or Schedule (G.), as the Case may be, to the Lands*] (*a*), all as specified and described in the said Bond and Disposition in Security and Instrument of Sasine thereon, [*if the Bond is recorded omit the Words* "and Instrument of Sasine thereon,"] recorded in the [*here specify the Register of Sasines in which the Sasine or Bond is registered*] on the [*specify Date of Registration*] (*b*). In witness whereof, *&c.* [*insert a Testing Clause in usual Form*].

(Signed) *A.B.*

G.H., Witness.
I.K., Witness.

Note.—(*a*) Where the Assignation is made under any Real Burdens, Conditions, Provisions, or Limitations, here insert or refer to them in or as nearly as the Circumstances of the Case may require in the Form of Schedule (D.)

(*b*) If the Assignation is granted, not by the original Creditor in the Security, but by a Person to whom the Security has already been assigned, or in whom it has become vested by Succession or Diligence, the Conveyance will shortly narrate here the Title or Series of Titles by which the Grantor of the Conveyance has right to it.

SCHE-

SCHEDULE (HH.)

Form of Instrument in favour of an Assignee to an Heritable Security following on a Deed granted for further Purposes or Objects.

At there was by [*or* on behalf of] *A. B.* of *Z.*, presented to me, Notary Public subscribing, a Bond and Disposition in Security [*or other Security, or Extract, as the Case may be*], dated [*insert Date, and where recorded in the Register of Sasines insert Date of recording, and specify Register of Sasines, and where Sasine has been expede thereon, add* and Sasine thereon, recorded in the (*specify Register of Sasines*) on the (*insert Date*),] granted by *C.D.* [*insert Designation*] in favour of *E.F.* [*insert Designation*], by which Bond and Disposition in Security [*or, as the Case may be*] the said *C.D.* bound and obliged himself [*insert the personal Obligation so far as necessary, and Disposition of the Lands in Security, with the Description of them, and also all Real Burdens, &c., if any, all as set forth at full Length or by reference in the Bond and Disposition or other Security*]. As also there was presented to me an Assignation [*or other Conveyance or Extract*], dated [*insert Date*], granted by the said *E.F.*, by which the said *E.F.* assigned the said Bond and Disposition in Security [*or other Security, as the Case may be*], and Sums of Money and Lands therein contained, to the said *A. B.*, and his Heirs, Executors, and Representatives whomsoever [*or otherwise, as the Case may be, and if the Deed be granted in trust, or for specific Purposes, add,* but in trust always, *or* for the Uses and Purposes specified in said Assignation, *or otherwise, as the Case may be. If the Person in whose Favour the Instrument is taken is not the Disponee of the original Creditor, but of one who has acquired Right to the Security, here specify shortly the Title or Series of Titles by which the Deceased acquired such Right*]. Whereupon, *&c., as in Schedule (J.) to the End.*

SCHEDULE (II.)

Form of Writ of Acknowledgment by a Person infeft in Lands, in favour of the Executors or Executor nominate, or of the Disponees or Disponee, Legatees or Legatee, or Heir of the Creditor in an Heritable Security affecting such Lands.

I, *A.B.* [*insert Name and Designation of Grantor*], hereby acknowledge *C.D.* [*insert Name and Designation of Executors or Executor, or of Disponees or Disponee, Legatees or Legatee, or Heir, and where the Executors or Disponees, being more than One, are appointed to hold the Estate of the Deceased in Trust for the Purposes*

Purposes of the Testamentary or other Deed or Writing, and not wholly for their own beneficial Interest, here add, if desired by the Party, and not expressly precluded by the Terms of said Deed or Writing, and the Survivors or Survivor of them] as Executor [*or* Executors] nominated by *E.F.* [*insert Name of Grantor of Testamentary Deed or other Writing*] in his Will [*or Trust Disposition and Settlement, or other Testamentary Deed or Writing*], dated [*insert Date*], [*or* as Disponee of the Moveable Estate of the said deceased *E.F., or* as Legatee of the Bond and Disposition in Security after mentioned and Sums thereby secured, *or otherwise in Terms of the Deed or Writing, or as the Case may be, specifying the Deed as above, or* as Heir of the said deceased *E.F., specifying the Relationship of the Heir where the Writ is granted to an Heir*], to be in right of a Bond and Disposition in Security [*or* Heritable Bond, *or as the Case may be*] dated [*insert Date, and, where recorded in Register of Sasines, add,* and recorded as after mentioned], for the Sum of [*insert Sum*] granted by [*insert Name and Designation of Debtor*] in favour of [*insert Name and Designation of the original Creditor, and in Cases where Executors are excluded insert the Destination at Length or refer to the recorded Minute of Exclusion*], and Sasine thereon [*or where the Bond and Disposition itself is recorded in the Register of Sasines, omit the Words* "Sasine thereon"] recorded in the [*specify the Register of Sasines in which the Sasine or Bond is recorded*] on the [*specify Date of Registration*], over all and whole [*describe or refer as in Schedule* (*E.*) *or Schedule* (*G.*) *to the Lands*], [*if the Will or Settlement, &c. be granted in trust or for specific Purposes, add,* but in trust always for the Uses and Purposes specified in said Deed or Writing, *or as the Case may be. If the Person or Persons in whose Favour the Writ is granted is not the Executor, or are not the Executors, &c., of the original Creditor, here specify shortly the Title or Series of Titles by which the deceased acquired Right*]. In witness whereof [*insert a Testing Clause in usual Form*].

(Signed) *A.B.*

G.H., Witness.
I.K., Witness.

SCHEDULE (JJ.)

Form of Instrument in favour of an Executor or Heir of a Creditor who died intestate in right of an Heritable Security.

At there was by [*or* on behalf of] *A.B.* of *Z.*, *&c.* [*as in Schedule* (*HH.*) *down to and including the Description of the Lands and the Reference, if any, to Real Burdens*]. As also there was presented to me Testament Dative of the said deceased *E.F.*, expede before the Commissary of the County of on the [*insert Date of Confirmation*], whereby the said *A.B.* was ordained and confirmed Executor Dative of the said deceased *E.F.* (*if there are more than One Executors Dative appointed the necessary Alterations to be made*) [*or* a Decree of General (*or* Special) Service in favour of the said *A.B.* as (*specify Character in which Heir was served*) to the said *E.F.*, dated (*insert Date of Service*) expede before the Sheriff of and recorded in Chancery the Day of], whereby the said *A.B.* acquired right to the said Bond and Disposition in Security

Security [*or as the Case may be, and if the Person in whose Favour the Instrument is taken is not the Executor or Heir of the original Creditor, but of One who has acquired Right to the Security, here specify shortly the Title or Series of Titles by which the Deceased acquired such Security*]. Whereupon, *&c.*, [*as in Schedule* (*J.*) *to the End.*]

SCHEDULE (KK.)

Form of Instrument in favour of the Executors or Executor nominate, or of the Disponee or Legatee of a Creditor in right of an Heritable Security.

At there was by [*or* on behalf of] *A.B.* of, *&c.*, [*as in Schedule* (*HH.*) *down to and including Description of Lands and the Reference to real Burdens*]. As also there was presented to me a Testament [*or General Disposition*, or *Trust Disposition and Settlement, or other Testamentary Deed or Writing, or Extract, or otherwise, as the Case may be*], dated [*insert Date*], granted by the said deceased *E.F.*, [*if necessary, say,* who died after (*or* before *as the Case may be*) the Commencement of the Titles to Land Consolidation Act, 1868], by which the said *E.F.*, nominated the said *A.B.* to be his Executor, [*or* assigned and disponed his whole Heritable and Moveable Estate, *or otherwise, as the Case may be, or* gave and bequeathed his whole Moveable Estate and Effects to the said deceased *A.B.*; *or* gave and bequeathed the said Bond and Disposition in Security, and Sums therein contained, to the said *A.B.; and if the Deed be granted in trust, or for specific Purposes, add* but in trust always, *or* for the Uses and Purposes specified in said Deed, *or otherwise, as the Case may be,* whereby the said *A.B.* is now in right of said Bond and Disposition in Security (*or as the Case may be*). *If the Person in whose Favour the Instrument is taken is not the Executor, Disponee, Assignee, or Legatee of the original Creditor, but of one who has acquired Right to the Security, here specify shortly the Title or Series of Titles by which the Deceased acquired such Security*]. Whereupon, *&c.*, [*as in Schedule* (*J.*) *to the End.*]

SCHEDULE (LL.)

Form of Instrument in favour of a Trustee on a sequestrated Estate, or of Liquidators of a Joint Stock Company in right of an Heritable Security.

At there was by [*or* on behalf of] *A.B.* (*design him as in Schedule* (*O.*)) presented to me, *&c.*, [*as in Schedule* (*HH.*) *down to and including Description of Lands and Reference to Real Burdens, if any.*] As also there was presented to me Extract, Act, and Warrant of Confirmation in favour of the said *A.B.* [*or here specify the Appointment of the Liquidator or Liquidators*], dated [*insert Date*], whereby the said *A.B.*, as Trustee [*or* Liquidator, *or as the Case may be*], has Right to the said Bond and Disposition in Security (*or*

as the Case may be). If the Bankrupt or Company or Partner is not the original Creditor, here specify shortly the Title or Series of Titles by which the Bankrupt or Company or Partner acquired Right to the Debt]. Whereupon, *&c.* [*as in Schedule* (*J.*) *to the End*].

SCHEDULE (MM.)

Form of Instrument on an unrecorded Bond and Disposition in Security, or unrecorded Assignation in favour of the Executor or Disponee, or Assignee, or Legatee, or Heir of the Creditor.

At there was by [*or* on behalf of] *A.B.* [*insert Designation*], presented to me, Notary Public subscribing, a Bond and Disposition in Security [*or other Security, or* an Assignation of the Bond and Disposition in Security after mentioned, *or* Extracts, *as the Case may be,*] granted by *C.D.* [*insert Designation*] and dated [*insert Date*], by which Bond and Disposition in Security the said *C.D.* bound and obliged himself, [*insert the personal Obligation and Disposition of the Lands in Security, with the Description of them, and also all Real Burdens, &c., if any, all as set forth at full Length or by reference in the Bond and Disposition in Security, or other Security, or, in the Case of an Assignation, say,* by which Assignation the said *C.D.* assigned to the said *A.B.* a Bond and Disposition in Security, *or other Security*, granted by (*insert Name and Designation of Grantor of Bond*) in favour of the said *C.D.*, dated (*insert Date*), and recorded (*insert Date of recording and specify Register, or in the Case of the Security having been followed by Sasine, say,*) and Sasine thereon, recorded (*insert Date of recording and specify Register*), for the Sum of (*insert Sum*), and also all and whole (*insert the Description of the Lands and Real Burdens, &c., or reference thereto, all as contained in the Assignation*)]; As also there was presented to me [*here specify the Title or Series of Titles by which the Party acquired Right to the Bond and Disposition in Security, or to the Assignation, in or as nearly as the Circumstances of the Case will admit in the Form of Schedule* (*KK.*), *or in the Case of a Bond and Disposition in Security or other Security to Heirs, excluding Executors, &c., or the Creditor in which died before the Commencement of this Act, say,* as also there was presented to me Extract Decree of the General (*or* Special) Service of the said *A.B.* as Heir (*specify Character in which served*) of the said *E.F.* (*here specify Date, and Date of recording in Chancery*): Whereupon, *&c.* [*as in Schedule* (*J.*) *to the End.*]

SCHEDULE (NN.)

Form of Discharge of Bond and Disposition in Security, &c.

I, *A.B.*, in consideration of the Sum of [*specify Sum*] now paid to me by *C.D.*, do hereby discharge a Bond and Disposition in Security [*or other Security*], dated [*insert Date*], and recorded [*insert Date of recording if recorded,*

recorded, and Register of Sasines], for the Sum of [*insert Sum*], granted by [*insert Name and Designation of Debtor*], in favour of [*insert Name and Designation of Grantee*], and all Interest due thereon; and I declare to be redeemed and disburdened thereof, and of the Infeftment following thereon all and whole [*describe the Lands*], all as specified and described in the said Bond and Disposition in Security, dated and recorded as aforesaid, [*and if the same has been followed by Sasine, here omit the Words* "and recorded," *and add*] and Instrument of Sasine thereon, as the same is recorded in the [*specify the Register of Sasines in which the Sasine is recorded*], on the [*specify Date of Registration*].* In witness whereof, *&c.* [*here insert a Testing Clause in usual Form*].

(Signed) *A.B.*

E.F., Witness.
G.H., Witness.

* If the Grantor of the Discharge is not the original Creditor, but one who has acquired Right to the Security, specify shortly here the Title or Series of Titles by which the Grantor acquired such Right.

SCHEDULE (OO.)

Form of Deed of Restriction of an Heritable Security.

I, *A.B.*, in consideration of the Sum of [*or if no Price is paid for the Restriction,* considering that *C.D.* (*the Debtor*) has requested me to release the Lands herein-after described (*or* referred to) from the Security herein-after specified, but without any Consideration having been paid to me therefor], do hereby declare to be redeemed and disburdened of the Security constituted by a Bond and Disposition in Security [*or other Security*], dated [*insert Date*], and recorded [*insert Date of recording if recorded, and Register of Sasines*], for the Sum of [*insert Sum*] granted by [*insert Name and Designation of Debtor*], in favour of [*specify Name and Designation of Grantee*], [*and if the Bond has been followed by Sasine add*] and Instrument of Sasine thereon, dated (*insert Date, if any*) and recorded [*specify the Register and Date of Registration*], all and whole [*here describe the Lands to be disburdened*], and I restrict the Security thereby constituted to the Lands and others contained in the said Bond and Disposition in Security other than those hereby disburdened. [*If the Grantor of the Deed is not the original Creditor, but one who has acquired Right to the Security, here specify shortly the Title or Series of Titles by which the Grantor acquired such Right*]. In witness thereof, *&c.* [*here insert a Testing Clause in usual Form.*]

(Signed) *A.B.*

E.F., Witness.
G.H., Witness.

SCHE-

SCHEDULE (PP.)

Notice of Inhibition.

Notice of Letters of Inhibition [*or*, of Summons containing Inhibition, *as the Case may be*].—*A.B.* [*insert Designation of the Inhibitor*] against *C.D.* [*insert Designation of the Inhibited*].—Signeted [*insert Date of signeting*].

E.F., W.S. [*or* S.S.C.] Agent.

SCHEDULE (QQ.)

Form of Letters of Inhibition.

Victoria, *&c.* To Messengers-at-Arms and others, Our Sheriffs, greeting: Whereas it humbly shown to Us by Our lovite *A.B.* [*insert Designation*], Complainer, against *C.D.* [*insert Designation*], that [*set forth as concisely as possible the Document on which the Inhibitor proceeds*]: Our Will is herefore, and We charge you, that ye lawfully inhibit the said *C.D.*, personally or at his Dwelling Place if within Scotland, and if furth thereof at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling, disponing, conveying, burdening, or otherwise affecting his Lands or Heritages to the Prejudice of the Complainer; and that ye cause register these Our Letters and Execution hereof in the General Register of Inhibitions at Edinburgh for Publication to Our Lieges. Given under Our Signet at Edinburgh this Day of in the Year

SCHEDULE (RR.)

Notice of Summons of Reduction, Adjudication, &c.

Notice of Summons of Reduction [*or* of Adjudication, *or* of Constitution and Adjudication, *as the Case may be*].—*A.B.* [*insert Designation of Pursuer*] against *C.D.* [*insert Designation of Defender*]. Signeted [*insert Date of signeting*].

E.F., W.S. [*or* S.S.C.] Agent.

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VICTORIÆ REGINÆ.

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CAP. CII.

An Act to alter the Qualifications of the Electors in Places in *Scotland* under the "General Police and Improvement (*Scotland*) Act, 1862," or under the Act Thirteen and Fourteen *Victoria*, Chapter Thirty-three, and to amend the said Acts in certain other respects. [31st *July* 1868.]

WHEREAS it is expedient to alter the Qualifications of the Electors in *Scotland* under the "General Police and Improvement (*Scotland*) Act, 1862," or under the Act Thirteen and Fourteen *Victoria*, Chapter Thirty-three, and to amend the said Acts in certain other respects:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the "General Police and Improvement (*Scotland*) Act, 1862, Amendment Act." Short Title.

2. The recited Acts and this Act shall be read and construed together. Recited Acts and this Act to be as One.

3. The

Meaning of "Householder" in recited Acts.

3. The Word "Householder" in the recited Acts shall no longer have, for the Purposes of those Acts, the Meaning assigned to it in the Third Clause of the first-recited Act and the Second Section of the second-recited Act, but shall for the Purposes foresaid mean "a Male Occupier of Lands or Premises of the yearly Value of "Four Pounds and upwards as appearing on the Valuation Roll."

Amendment of Sect. 27 and 12. of recited Acts.

4. The Twenty-seventh Clause of the first-recited Act and the Twelfth Section of the second-recited Act shall be read and construed as if the following Provisions were inserted therein: "Pro-"vided farther, that not more than Six Partners of any Com-"pany or Copartnership shall be entitled to vote in respect of the "Lands or Premises occupied by such Company or Copartnership."

Conditions of Voting.

5. No "Householder" shall be entitled to have or give more than One Vote at any Meeting or Election under the said recited Acts: Provided always, that no Householder shall be entitled to vote at any such Meeting or Election who shall have been exempted from Payment of the whole or any Part of his Rates or Assessment under the recited Acts on the Ground of Poverty or Inability to pay, or who shall not have paid all Rates or Assessments due and payable by him under the recited Acts at the Time of so voting; and any Vote given contrary to the Provisions of this Section shall be null and void.

Provision as to dividing Burghs into Wards.

6. The Commissioners of any Burgh, having a Population exceeding Ten thousand according to the Census last taken at the Time, in which the Provisions of either of the recited Acts have already been adopted in whole or in part, not being a Royal or Parliamentary Burgh, and not being already divided into Wards for the Purposes of such Act, may from Time to Time apply to the Sheriff to divide such Burgh into Wards for the Purposes of such Act, so far as adopted as aforesaid, and of this Act; and the Sheriff may, upon considering the Matter, divide such Burgh into such Number of Wards as he may find proper, and define the Boundaries thereof, and fix the Number of Commissioners to be elected for each Ward; and thereafter, and except as respects the Number of Commissioners, all the Provisions with respect to the Election and Rotation of Commissioners for Burghs originally divided into Wards, which are contained in the Act whose Provisions have been adopted as aforesaid in such Burgh, shall apply to the Election and Rotation of Commissioners for such Burgh when divided into Wards by the Sheriff under the Powers hereby conferred on him; provided always, that the Commissioners in Office at the Time of such

such Division shall remain in Office until the Expiration of the Year of Office then current, and no longer.

Police Commissioners of Galashiels to remain in Office till Election of Town Council.

7. The Commissioners and Magistrates of Police of *Galashiels* elected under the first-recited Act, and holding Office at the passing of this Act, shall continue to hold and exercise their respective Offices, and to perform the whole Duties and Functions thereof, until the first *Tuesday* of *December* next One thousand eight hundred and sixty-eight, when the whole Duties and Functions foresaid shall vest in and devolve upon the Magistrates and Town Council of said Burgh of *Galashiels*, and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall thenceforth have all the Powers, Privileges, and Jurisdiction of Commissioners and Magistrates of Police respectively under the said first-recited Act.

Certain Proceedings under first-recited Act to be valid.

8. Whereas Doubts have been entertained as to the Validity of the Proceedings at certain Meetings held with the view of adopting the Provisions, in whole or in part, of the first-recited Act, or of electing Commissioners of Police under the said Act: Be it enacted, That, except in so far as the Validity of any such Proceedings has at the passing hereof been submitted to the Consideration of any Court of Law, all Proceedings at any Meetings which have been held with the view of adopting the Provisions, in whole or in part, of the first-recited Act, or of electing Commissioners of Police under the said Act, and all Proceedings which have followed thereon, shall be held to be valid and effectual, and not subject to Challenge on the Ground of Want of Compliance with the Provisions of the said first-recited Act.

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obstructing such Prayers or Burial Service shall be deemed guilty of a Misdemeanor: Provided always, that such Prayers shall not be read nor such Burial Service performed either wholly or in part during the Time of the Celebration of Divine Service or any Rite or Ceremony of the said United Church, or during the catechising or other Instruction of Children or young Persons in the Church or Chapel to which such Churchyard or Graveyard belongs, nor within Half an Hour before the Commencement or after the Conclusion of any such Celebration, catechising, or Instruction, nor during the Time at which the Incumbent or Minister of such Church or Chapel, or any other Minister or other Ecclesiastical Person, shall be performing the Burial Service in such Churchyard or Graveyard, nor during the Performance of any other Burial Service therein: Provided always, that nothing in this Act shall confer any Right of Burial where no such Right already exists, or shall affect the Rights or Privileges of any Ordinary, Rector, Vicar, or other Incumbent.

Prohibition of Interference with Burial.

2. Nothing herein contained shall authorize or justify any Interference with or Interruption of the Celebration of Divine Service in the Church or Chapel to which such Churchyard or Graveyard may be attached or belong, or the Obstruction of Persons going thereto or returning therefrom.

Notice to be given of the Time at which it is proposed that the Burial shall take place.

3. Such Priest or Minister who may purpose to attend such Burial shall, Twenty-four Hours before the reading of such Prayers or the Performance of such Burial Service, serve or cause to be served upon the Person appointed by the Rector, Vicar, or other Incumbent of the Parish to receive such Notices a Notice in Writing, signed with his Name, stating the Name and late Residence of the Person about to be buried, and the Hour at which he purposes to read such Prayers or perform such Burial Service; and if there be no Celebration, catechising, or Instruction already appointed to take place, or other Burial Service appointed to be performed at the Time specified in the Notice, of which he is to be then and there informed, he shall read such Prayers or perform such Service at the Time for which he has given Notice; but if any Celebration, catechising, Instruction, or other Burial Service shall have been already appointed, then he shall appoint some other convenient Time before or after such Celebration, catechising, Instruction, or other Burial Service.

Lord Lieutenant in Council to have

4. And whereas many Parish Churches have of late Years been erected on a new Site, having attached to them small Churchyards given or purchased for the sole Use of Persons attending the Worship

Worship of the Church, and in Size proportioned to the Wants of the Congregation, leaving the old Churchyard for the general Use of the Parishioners: And whereas many Perpetual Cures and District Parishes have been erected of late Years, and Churches built in them, with small Graveyards intended solely for the Use of the Congregations of such Churches: Be it therefore enacted, That it shall be lawful for the Lord Lieutenant in Council, on Application from the Incumbents of any such Church, to declare the same to be exempt, and which Exemption shall be published in the *Dublin Gazette*, and thereupon such Churchyards shall be exempted from the Operation of this Act. Power to exempt certain Church-yards.

5. This Act shall extend to *Ireland* only. Extent of Act.

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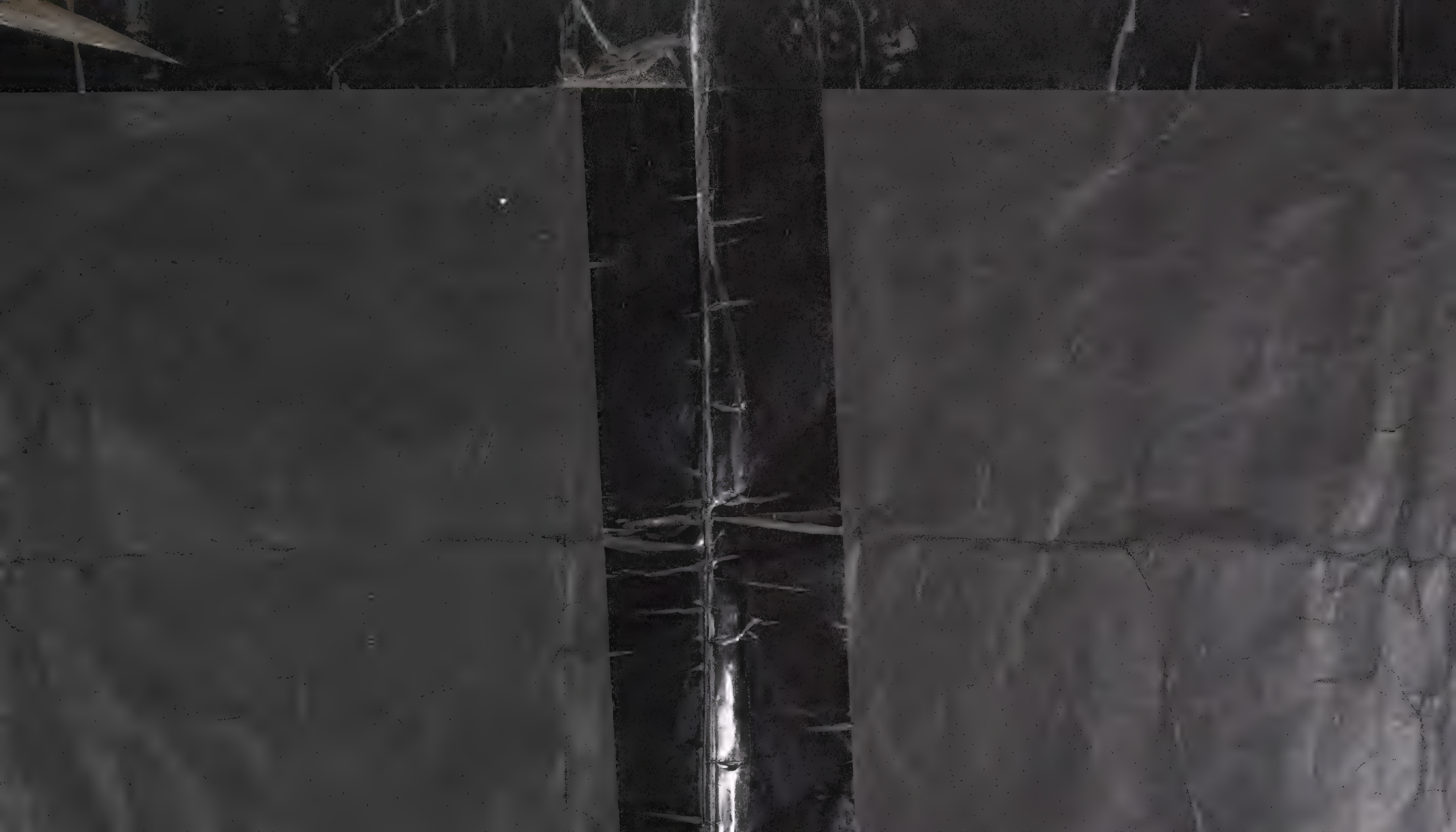

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CIV.

An Act to amend the Bankruptcy Act, 1861.

[31st *July* 1868.]

WHEREAS it is expedient to amend the Bankruptcy Act, 1861: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Deed, &c. entered into between a Debtor and his Creditors relating to Debts, &c. shall be as valid, &c. as if they were Parties to the same unless Conditions herein named shall be observed.

1. No Deed or Instrument made or entered into between a Debtor and his Creditors, or any of them, or a Trustee on their Behalf, relating to the Debts or Liabilities of the Debtor and his Release therefrom, or the Distribution, Inspection, Management, and Winding-up of his Estate, or any of such Matters, shall be as valid, effectual, and binding on all the Creditors of such Debtor as if they were Parties to and had duly executed the same, unless, in addition to the Conditions to be observed in accordance with the Provisions of the Bankruptcy Act, 1861, the following Conditions shall be observed; that is to say,

(1.) Together with such Deed or Instrument there shall be delivered to the Chief Registrar a List showing, to the best

best of the Knowledge, Information, and Belief of the Debtor or other Person by whom the List is made, the Debts and Liabilities of every kind of the Debtor, and the Times when such Debts and Liabilities were contracted or incurred, and the Considerations for the same, the Names, Residences, and Occupations of his Creditors, and the respective Amounts due to them, and the Securities held by them, and the estimated Value of such Securities:

(2.) A Statement showing, to the best of the Knowledge, Information, and Belief of the Debtor or other Person by whom the Statement is made, the Debtor's Property and Credits, and the estimated Value thereof.

The Debtor or other Person as aforesaid may from Time to Time, by Leave of the Court, add to or amend such List or Statement, and every such List, Statement, Addition, and Amendment shall be verified by his Affidavit, or by that of some other Person able to depose thereto; and when any Addition or Amendment is made to any such List or Statement, the Affidavit shall contain the Reason why such Addition or Amendment has been rendered necessary, and why the Substance thereof was not contained in the original List or Statement.

Notice to be given of leaving List &c. in London Gazette, &c., and Inspection of List and Statements allowed.

2. Notice of the leaving of such List or Statement, and of any Amendments or Additions thereto, shall be given in the *London Gazette*, and in some One or more Daily Paper or Papers circulating in the Neighbourhood in which the Debtor resides or carries on his Business, within such Time after such List or Statement shall have been left as General Orders direct; and any Person stating himself in Writing to be a Creditor of such Debtor may, personally or by Attorney or Agent, inspect the Lists or Statements, and any Additions or Amendment, and may, on Application in such Manner as General Orders direct, have a Copy thereof or Extracts therefrom.

Creditors assenting to Composition Deed to prove, &c.

3. No Creditor shall be reckoned in the Computation of the requisite Majority in Number representing Three Fourths in Value of the Creditors of the Debtor executing such Deed or Instrument unless he proves his Debt by Affidavit or Declaration in the Manner and subject and according to the Provisions to be prescribed by General Orders; and in the Computation of the requisite Value of such Creditors, and for all other Purposes of the Deed, the Amount due to each Creditor, after deducting the Value of the Securities held by him on the Debtor's Property, shall alone be reckoned;

reckoned; and notwithstanding anything in the Bankruptcy Act, 1861, the Time for the Production and leaving of any such Deed or Instrument at the Office of the Chief Registrar as therein provided shall be Twenty-eight Days from the Day of the Execution thereof by the Debtor, or such further Time as the Court may allow.

Proof to be filed.

4. Every Affidavit or Declaration of Proof by the Creditors of such Debtor shall be filed with the Chief Registrar within such Time as General Orders direct, and the filing of every such Affidavit shall be entered by the Chief Registrar in a Book to be kept by him as filed in the Matter of the Deed or Instrument executed by such Debtor; and any Person stating himself in Writing to be a Creditor of such Debtor may, personally or by Attorney or Agent, inspect such Book, and also every Affidavit or Declaration filed in the Matter of the Deed or Instrument executed by the Debtor, and may, in such Manner as General Orders direct, have Copies thereof or Extracts therefrom.

Power of Inspection by Creditors.

Provisions for Examination of Debtor or Creditor.

5. Any Creditor of a Debtor executing any such Deed or Instrument whose Debt shall exceed Ten Pounds may, at any Time after the Registration of the Deed or Instrument, apply for and obtain from the Court a Summons requiring such Debtor, or any Creditor or Person stated to be a Creditor of such Debtor, or any Person whom the said Court shall believe to be capable of giving any Information concerning the Dealings and Transactions of the Debtor, to appear at the said Court upon a Day and Time to be named in such Summons, and then and there to be examined concerning the Dealings and Transactions of any such Debtor, or Dealings and Transactions of the Creditor so summoned with the Debtor, or the Debt due or stated to be due from the Debtor to such Creditor; and such Debtor or Creditor or other Person, as the Case may be, shall be bound to attend at the Time and Place named in the Summons, and to submit himself to Examination; and at the Conclusion of such Examination the Court shall determine by whom the whole or any Part of the Expense of procuring the Attendance and of the Attendance of the Person examined, and of his Examination, and of the Attendance of all other Parties properly attending such Examination, shall be borne, whether by the Creditor procuring the Summons, or by the Person examined, or by the Debtor, or by the Trustees or Inspectors of his Estate, either personally or out of the Estate of the Debtor, or by the Estate of the Debtor, or otherwise; and an Order shall be drawn up by the Court in accordance with such Determination, and be enforced against the Parties bound by such Order in the same

same Manner that Orders of the Court of Bankruptcy are enforced; but nothing in this Section shall take away or abridge any Jurisdiction or Authority belonging to the Court independently thereof.

Notice to Debtor and Trustees of Deed.

6. The Creditor procuring such Summons shall give Notice to the Trustees or Inspectors (if any) acting under the Deed or Instrument, and (where the Summons is directed to a Creditor) to the Debtor, of the Time and Place appointed for the Examination. The Debtor, Trustees, or Inspectors shall be at liberty to attend such Examination, and to take part therein, subject to the Direction of the Court.

In change from Bankruptcy to Arrangement Creditors assenting to prove, &c.

7. In case of a Deed of Arrangement under Section 187 of the Bankruptcy Act, 1861, no Creditor shall be reckoned in the Computation of the requisite Majority in Number and Value of the Creditors of the Bankrupt unless he proves his Debt by Affidavit or Declaration in the Manner and subject and according to the Provisions to be prescribed by General Orders; and in the Computation of the requisite Value of such Creditors, and for all other Purposes of the Deed, the Amount due to each Creditor, after deducting the Value of the Securities held by him on the Bankrupt's Property, shall alone be reckoned.

Description of Court to have Jurisdiction under Deed.

8. The Court which shall have and exercise all Jurisdiction given by the Bankruptcy Act, 1861, and this Act, under any Deed or Instrument made by an arranging Debtor, shall, if the Debtor is a Bankrupt, be the Court having Jurisdiction in the Bankruptcy, and if he is not a Bankrupt, the Court in which a Petition by him for Adjudication of Bankruptcy against himself would at the Time of the Execution or (in case of Registration) of the Registration of the Deed or Instrument be required to be filed; but the Court of Bankruptcy in *London* may order all or any of the Applications under any Deed or Instrument to be made and prosecuted in any Court, without regard to the District in which the Debtor resided or carried on Business or the Amount of his Debts; provided that any Proceeding *boná fide* taken in any Court shall not be impeachable by reason of its appearing that the Jurisdiction was in some other Court, but the Court in which such Proceeding is pending may transmit the Papers to the proper Court.

Power to make General Orders.

9. The Lord Chancellor shall, with the Assistance of Two Commissioners, and subject to the Provisions of the Bankruptcy Act, 1861, frame General Orders for the following Purposes:

For

For regulating the several Forms of the Lists, Statements, Affidavits, Declarations, Advertisements, Orders, and all other Proceedings to be used in all Matters under this Act;

For the Reception and Custody of all Documents required to be produced, left, or filed in accordance with this Act, and the Inspection of such Documents by any Creditors or Person entitled to inspect the same, and for the Delivery of Copies thereof;

For regulating the Duties of the various Officers of the Court of Bankruptcy in accordance with this Act;

For regulating the Fees payable for Matters done under this Act;

And generally for carrying this Act into effect:

And the Lord Chancellor, with such Assistance, may from Time to Time amend, alter, vary, or annul any of such General Orders.

Notices as to Deeds, &c.

10. Section Two hundred and two of the Bankruptcy Act, 1861, shall extend and apply to Notices concerning Deeds or Instruments made by arranging Debtors.

Affidavits, Warrants, &c.

11. In addition to the Officers and Persons enumerated in Section 207 of the Bankruptcy Act, 1861, Affidavits, Declarations, or Affirmations required to be sworn or made in relation to any Matter under that Act or this Act may be sworn, made, or taken before such of the Officers or Clerks in the Court of Bankruptcy as the Lord Chancellor by Order shall from Time to Time appoint for the Purpose; and every Order, Warrant, Certificate, or Proceeding in the Court of Bankruptcy required by Law to be signed by a Commissioner may, in lieu of being so signed, be under the Hand of a Registrar and the Seal of the Court.

Penalty on Persons giving false Affidavit.

12. Any Person who shall, upon any Examination upon Oath or Affirmation, or in any Affidavit, Deposition, or Declaration, or solemn Affirmation, authorized or directed by this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

As to Payment, &c. of Fees.

13. The Provisions with respect to the Payment and Appropriation of Fees contained in or incorporated with the Bankruptcy Act, 1861, shall be incorporated with this Act, and apply to the Fees to be taken and received under the Provisions of this Act.

Limit of Act.

14. This Act shall not extend to *Scotland* or *Ireland*.

15. This

Bankruptcy Act Amendment.

Commencement of Act.

15. This Act shall commence and take effect on the Eleventh Day of *October* One thousand eight hundred and sixty-eight, and shall be construed together with so much of the Bankrupt Law Consolidation Act, 1849, the Bankruptcy Act, 1854, and the Bankruptcy Act, 1861, as is in force, as One Act, and may be cited for all Purposes as The Bankruptcy Amendment Act, 1868.

Short Title.

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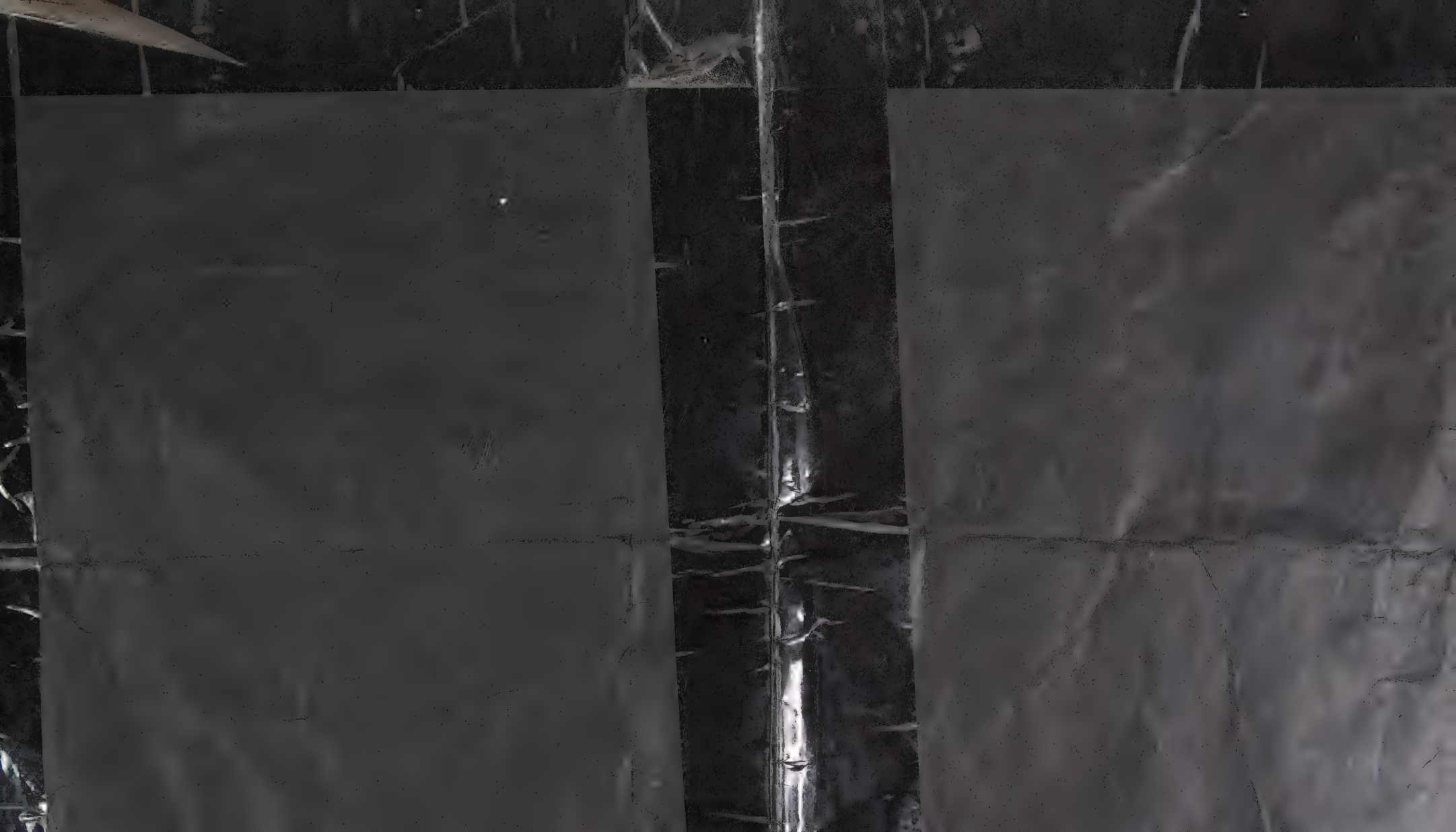

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VICTORIÆ REGINÆ.

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CAP. CV.

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of "Adventurers of *England* trading into *Hudson's* "*Bay*," and for admitting the same into the Dominion of *Canada*. [31st *July* 1868.]

Recital of Charter of Hudson's Bay Company, 22 Car. 2.

WHEREAS by certain Letters Patent granted by His late Majesty King *Charles* the Second in the Twenty-second Year of His Reign certain Persons therein named were incorporated by the Name of "The Governor and Company of Adventurers of *England* trading into *Hudson's Bay*," and certain Lands and Territories, Rights of Government, and other Rights, Privileges, Liberties, Franchises, Powers, and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty's Dominions in *North America*:

And whereas by the *British North America* Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the Advice of Her Majesty's most Honourable Privy Council, on Address from the Houses of the Parliament of *Canada*, to admit *Rupert's Land* and the North-western Territory,

or

or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the Provisions of the said Act:

Recital of Agreement of Surrender.

And whereas for the Purpose of carrying into effect the Provisions of the said *British North America* Act, 1867, and of admitting *Rupert's Land* into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Majesty, Her Heirs and Successors, upon such Terms and Conditions as may be agreed upon by and between Her Majesty and the said Governor and Company as herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "*Rupert's Land* Act, 1868."

Definition of "Rupert's Land."

2. For the Purposes of this Act the Term "*Rupert's Land*" shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.

Power to Her Majesty to accept Surrender of Lands, &c. of the Company upon certain Terms.

3. It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the said Governor and Company within *Rupert's Land*, upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which *Rupert's Land* shall be admitted into the said Dominion of *Canada* shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from both the Houses of the Parliament of *Canada* in pursuance of the One hundred and forty-sixth Section of the *British North America* Act, 1867; and that the said Surrender and Acceptance thereof shall be null and void unless within a Month from the Date of such Acceptance Her Majesty does by Order in Council under the Provisions of the said last-recited Act admit *Rupert's Land* into the said Dominion; provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

4. Upon

Extinguishment of all Rights of the Company.

4. Upon the Acceptance by Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers, and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within *Rupert's Land*, and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in *Rupert's Land* or elsewhere Trade and Commerce.

Power to Her Majesty by Order in Council to admit Rupert's Land into and form Part of the Dominion of Canada.

5. It shall be competent to Her Majesty by any such Order or Orders in Council, as aforesaid, on Address from the Houses of the Parliament of *Canada*, to declare that *Rupert's Land* shall, from a Date to be therein mentioned, be admitted into and become Part of the Dominion of *Canada*; and thereupon it shall be lawful for the Parliament of *Canada* from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein: Provided that, until otherwise enacted by the said Parliament of *Canada*, all the Powers, Authorities, and Jurisdiction of the several Courts of Justice now established in *Rupert's Land*, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full Force and Effect therein.

Jurisdiction of present Courts and Officers continued.

LONDON:
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VICTORIÆ REGINÆ.

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CAP. CVI.

An Act for the Prevention of the holding of unlawful Fairs within the Limits of the Metropolitan Police District. [31st *July* 1868.]

WHEREAS it is expedient to give further Powers for the Prevention of the holding unlawful Fairs within the Metropolitan Police District:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Metropolitan Fairs Act, 1868."

Power to summon Owner and Occupier of Ground on which Fair is held.

2. Where any Fair is holden or Notice is given of any Fair proposed to be holden on any Ground within the Metropolitan Police District other than that on which a Fair has been holden during each of the Seven Years immediately preceding, it shall be competent for the Commissioner of Police to direct One of the Superintendents of the Metropolitan Police Force to summon the Owner or Occupier of the Ground upon which such Fair is holden to appear before a Magistrate forthwith, or at a Time to be specified in the Summons, to show his

Right and Title to hold such Fair; and if such Owner or Occupier do not attend in pursuance of such Summons, or does not show to the Magistrate who hears the Case sufficient Cause to believe that such Fair is lawfully holden, the Magistrate shall declare in Writing such Fair to be unlawful, and the Commissioner shall give Notice of such Declaration by causing Copies thereof to be affixed on and near the Ground where such Fair is holden or proposed to be holden; and after such Notice has been affixed for the Space of Six Hours the Commissioner of Police may direct any Constable to remove every Booth, Standing, and Tent, and every Carriage of whatsoever kind, conveyed to or being upon the Ground for the Purpose of holding or continuing such Fair, and to take into Custody every Person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such Booth, Standing, or Tent; and every Person hiring, accompanying, or conveyed in every such Carriage, and every Person resorting to such Ground with any Show or Instrument of Gambling or Amusement, and every Person convicted before a Magistrate of any of the Offences aforesaid, shall be liable to a Penalty of not more than Ten Pounds.

Service of Summons.

3. A Summons under this Act may be served on the Owner or Occupier of any Ground personally or by leaving the same at his usual or last known Place of Abode, or, if the Name of such Owner or Occupier or his Place of Abode is not known to the Police, by putting up such Summons in a conspicuous Place on the Ground where the Fair is holden or proposed to be holden, and it shall not be necessary to name the Owner or Occupier in the Summons, but he may be described as the Owner or Occupier of the Ground.

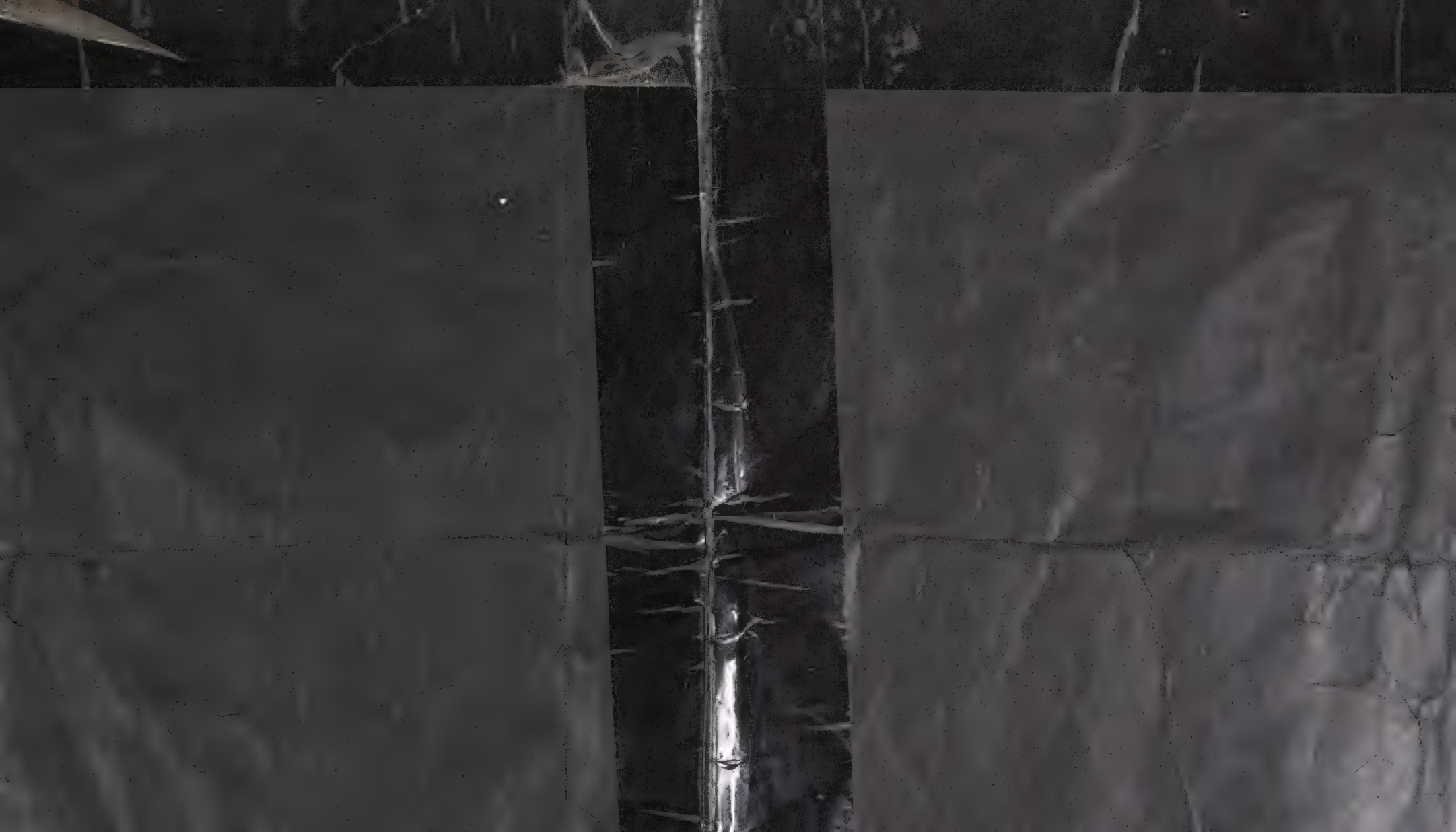
Act cumulative.

4. All Powers conferred by this Act shall be deemed to be in addition to, and not in derogation of, any other Powers conferred by any other Act of Parliament, and any such other Powers may be exercised as if this Act had not passed.

Construction of Act.

5. This Act, so far as is consistent with the Tenor thereof, shall be construed as one with the Acts relating to the Metropolitan Police.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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C A P. CVII.

An Act to amend the Law relating to the Indorsing of Warrants in *Scotland*, *Ireland*, and the *Channel Islands*. [31st *July* 1868.]

WHEREAS it is expedient to amend the Law relating to the Indorsing of Warrants in *Scotland*, *Ireland*, and the *Channel Islands*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 42. to be cited as "The Indictable Offences Act, 1848."

1. The Act of the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Persons charged with indictable Offences*, is hereinafter referred to and may be cited for all Purposes as "The Indictable Offences Act, 1848."

Short Title.

2. This Act may be cited for all Purposes as "The Indictable Offences Act Amendment Act, 1868."

3. This

Indorsing of Warrants.

Construction of Act.

3. This Act, so far as is consistent with the Tenor thereof, shall be construed as one with the said Indictable Offences Act, 1848, and any Act amending the same.

Warrants issued in Scotland or Ireland how to be backed in the Channel Islands, and vice versâ.

4. In the following Cases, that is to say,

Where a Warrant is issued against any Person by any competent Magistrate in *Scotland* or *Ireland*, and such Person goes or is supposed to have gone into any of the *Channel Islands;* or

Where a Warrant is issued against any Person by any competent Magistrate in any of the *Channel Islands*, and such Person goes or is supposed to have gone into *Scotland* or *Ireland;*

any competent Magistrate having Jurisdiction over the Place where such Person is or is supposed to be may indorse such Warrant in manner provided by "The Indictable Offences Act, 1848," or as near thereto as Circumstances admit.

Any such Warrant when so indorsed shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same was originally directed, and also to all Constables within the Limits of the Jurisdiction of the Magistrate who indorsed the same, to execute such Warrant within such last-mentioned Limits, and to convey the Person when apprehended to any Place or Places within the Limits of the Jurisdiction of the Magistrate who issued the Warrant, and to bring him before that Magistrate or before any other Magistrate having Jurisdiction over such Place or Places as aforesaid; and any Magistrate before whom the Person so apprehended is brought may proceed in the same Manner as if such Person had been apprehended within his Jurisdiction.

Definition of Terms.

5. For the Purpose of this Act "competent Magistrate" shall mean—

In *Scotland*,—

The Lord Justice General, the Lord Justice Clerk, any of the Lords Commissioners of Justiciary, any Sheriff or Steward Depute or Substitute, or any Justice of the Peace:

In *Ireland*,—

Any Justice of the Peace, or any Judge of Her Majesty's Court of Queen's Bench, or any Justice of Oyer and Terminer or of Gaol Delivery:

In the *Channel Islands*,—

In *Jersey*, the Bailiff or any Lieutenant Bailiff within his Bailiwick or Jurisdiction:

In *Guernsey*, the Bailiff or any Lieutenant Bailiff within his Bailiwick or Jurisdiction:

In *Alderney*, the Judge of *Alderney*, or in his Absence any Jurat of such Island:

In

Indorsing of Warrants.

In *Sark*, the Seneschal of *Sark*, or in his Absence his Deputy within such Island:

"Constable" shall include any Peace Officer or Person authorized to apprehend Persons charged with Offences:

"Warrant" shall include any Process in the Nature of a Warrant.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CVIII.

An Act to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in *Scotland*. [31st *July* 1868.]

WHEREAS it is expedient to amend the Laws for the Election of the Magistrates and Councillors of Royal and Parliamentary Burghs in *Scotland*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as the Municipal Elections Amendment (*Scotland*) Act, 1868.

Interpretation of Terms.

2. The following Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say:

The Expression "Parliamentary Burgh" shall mean any Burgh, not being a Royal Burgh, which returns or contributes to return a Member to serve in Parliament:

The Expression "the Registration Acts" shall mean the Act of the Nineteenth and Twentieth *Victoria*, Chapter Fifty-eight, and the

Eighth Section of the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at the Election of Members to serve in Parliament for Burghs in *Scotland*.

Qualification of Electors of Council in Royal Burghs returning Members to Parliament.

3. In every Royal Burgh in *Scotland* now returning or contributing to return a Member or Members to Parliament (including those contained in Schedule F. annexed to the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, which Schedule together with the Twelfth Section of the said Act are hereby repealed,) the Right of electing the Town Council shall be in and belong to all such Persons as are or shall be qualified in respect of any Premises within the Royalty, whether original or extended, of such Burgh, to vote in the Election of a Member or Members of Parliament for such Burgh by virtue of the Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, and as are duly registered as such Voters in the Registers then in force made up in Terms of the Registration Acts; and also in all Persons who are possessed of the Qualifications described in the said Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, in respect of the Premises therein described within the Royalty of any such Royal Burgh where the Limits thereof at any Point or Points extend beyond the Parliamentary Boundaries of such Burgh, or within the Municipal Boundaries of any such Royal Burgh where the same have been extended under any General or Local Act beyond the Limits of the Royalty, original or extended, or the Parliamentary Boundaries of such Burgh: Provided always, that nothing herein contained shall be construed to confer the Right of voting for Town Councillors on any Persons in respect of Premises situated beyond the Municipal Boundaries of any Royal Burgh, as such Boundaries may be limited and defined by any Act of Parliament.

Qualification of Electors of Council in Royal Burghs not returning Members to Parliament.

4. In every Royal Burgh not now entitled to send or to contribute to send a Member or Members to Parliament the Right of electing the Town Council shall be in and belong to all Persons who are possessed of the Qualifications for the Burgh Franchise described in the Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, in respect of the Premises therein described within the Royalty of any such Royal Burgh.

Qualification of Electors of Council in Parliamentary Burghs.

5. In every Parliamentary Burgh in *Scotland* the Right of electing the Town Councils shall be in and belong to all the Persons qualified to vote for a Member of Parliament for such Burgh whose Names shall be on the Register completed in Terms of the Registration

Registration Acts then in force, and also in all Persons who are possessed of the Qualifications described in the said Acts Second and Third *William* the Fourth, Chapter Sixty-five, or Thirty-first and Thirty-second *Victoria*, Chapter Forty-eight, in respect of the Premises therein described within the Municipal Boundaries of any such Burgh where the same have been extended under any General or Local Act beyond the Limits of the Parliamentary Boundaries of such Burgh; and such Register so completed from Time to Time shall be and be deemed to be the Register of Electors of Councillors for such Burgh.

Municipal Registers in Royal Burghs to be made up before 15th Nov. 1868.

6. The Town Clerk of every Royal Burgh in *Scotland*, including as aforesaid, (but excepting the Royal Burghs not now entitled to send or to contribute to send a Member or Members to Parliament, in which the List or Roll of Voters shall be and shall continue to be made up according to the existing Law and Practice,) shall, immediately after the Completion of the Register of Voters for Members of Parliament made up in the Year One thousand eight hundred and sixty-eight in Terms of the Registration Acts, make up and complete in Terms of the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, the List or Roll of Persons entitled to vote in the Election of the Town Council of such Burgh; and the said List or Roll shall be made up and completed on or before the Fifteenth Day of *November* in the said Year, and such List or Roll shall be the Register of Voters at the next ensuing Election of Town Councillors: Provided always, that in every subsequent Year such List or Roll of Persons shall be made up, as heretofore, on or before the Thirty-first Day of *October* in such Year: Provided also, that where the Parliamentary and Municipal Boundaries of any Royal Burgh are the same, the Town Clerk shall make up such List or Roll of Persons for such Burgh by certifying at the End of a Copy of the Parliamentary Register for such Burgh that such Register is, in Terms of this Act, the List or Roll of Persons entitled to vote at the next ensuing Election of the Town Council of such Burgh.

Postponement of Municipal Elections for the Year 1868.

7. The Election of Councillors which by the Acts Third and Fourth *William* the Fourth, Chapter Seventy-six, and Third and Fourth *William* the Fourth, Chapter Seventy-seven, is appointed to take place upon the First *Tuesday* of *November* in each Year, shall in the present Year (One thousand eight hundred and sixty-eight) take place on the First *Tuesday* of *December*; and such of the Councillors, Magistrates, and Office Bearers of every Burgh as but for the Provisions of this Act would have gone out of Office upon the First *Tuesday* of *November* in the present Year (One thousand

thousand eight hundred and sixty-eight) shall in virtue hereof continue to hold and exercise their respective Offices, and to perform the whole Duties and Functions appertaining thereto, till the First *Tuesday* of *December* following: Provided always, that whenever by any Law or Practice any Trustees, Commissioners, or other Persons are appointed, or have been in use to be elected, along with the Councillors in any Burgh, such Trustees, Commissioners, or other Persons shall in the present Year be elected along with the said Councillors on the First *Tuesday* of *December* instead of on the First *Tuesday* of *November*: Provided also, that wherever the Town Council of any Royal or Parliamentary Burgh, or the qualified Electors thereof, is or are bound by Law to elect, or has or have been in the Practice of electing, any Person or Persons to be Members of any Commission, Board, or Trust, or to fill any Office or discharge any Duties whatsoever, and such Elections are or have been in use to be appointed to take place at fixed Periods after the annual Municipal Election in the Month of *November* in such Burgh, such Elections shall in the present Year One thousand eight hundred and sixty-eight be made at corresponding fixed Periods after the Municipal Elections in *December* next ensuing; and the several Trustees, Commissioners, or other Persons elected as aforesaid, and holding Office on the First *Monday* of *November* in the present Year (1868), shall continue to hold and exercise their respective Offices, and to perform the whole Duties and Functions thereof, till their Successors are elected in virtue hereof; and all those Acts and Notices which have hitherto been appointed to be done or to be given with reference to such Elections at certain Periods relatively to the said First *Tuesday* in the Month of *November* shall during the present Year be done or given at corresponding Periods relatively to the First *Tuesday* of *December* in said Year.

Registers to be conclusive.

8. At every future Election of a Town Councillor for any Royal or Parliamentary Burgh the Register of Voters made up and completed as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election, and such Persons shall not be required to take any Oath or solemn Affirmation, but they may be required to make a Declaration in the Form of the Schedule (A.) to this Act annexed.

Names of Candidates for Town Council to be intimated to Town Clerk.

9. It shall not be competent to elect any Person to the Office of Town Councillor in any Royal or Parliamentary Burgh in *Scotland*, unless the Name of such Person shall have been intimated to the Town

Town Clerk of such Burgh, in the Manner herein-after provided, on or before Four of the Clock, Afternoon, on the *Thursday* immediately preceding the Day of Election; and the Town Clerk shall, on or before the *Friday* immediately preceding such Election, cause Public Notice to be given, as herein-after provided, of the Names of all Persons so intimated to him; and the Intimation to the Town Clerk shall be in the Form of Schedule (B.) hereunto annexed, or as near thereto as Circumstances admit; and the Notice by the Town Clerk shall be in the Form of Schedule (C.) hereunto annexed, or as near thereto as Circumstances admit; and such Notice shall be affixed to the Doors of the Town Hall or Council Chambers and of the Parish Churches in the Burgh, and, if the Town Clerk shall think expedient, the said Notice may be advertised in One or more Newspapers published or circulating within the Burgh; and in the event of the Town Clerk not receiving Intimation, as herein-before directed, of the Names of Persons proposed for Election sufficient to supply the Vacancies in any Burgh or Ward (where the Burgh is divided into Wards), or in the event of such Vacancies not being supplied by reason of the requisite Number of Councillors not being elected, from any Cause whatsoever, in any Burgh or Ward as aforesaid, then and in either of these Events the same Procedure shall be adopted as is appointed to be followed in the Case of a double Return, or of a Person elected declining to accept Office as a Councillor; provided that in such Cases the Intimation to the Town Clerk of the Name of the Persons proposed for Election shall be given on or before Four of the Clock, Afternoon, of the Second lawful Day immediately preceding that fixed for the Election, and the Town Clerk shall forthwith give Notice as is herein-before directed.

Saving Rights of Deans of Guild and Deacons Convener.

10. Nothing herein contained shall prejudice the Right of the Persons elected or to be elected to the Offices of Dean of Guild and Deacon Convener, or Convener of the Trades, by the Convenery and Guild Brethren respectively in the City of *Edinburgh*, and to the Offices of Dean of Guild and Deacon Convener by the Merchants House and Trades House respectively of the City of *Glasgow*, and the Persons elected or to be elected to the Office of Dean of Guild by the several Guildries of the City of *Aberdeen* and Towns of *Dundee* and *Perth*, to be constituent Members of the Town Councils of the said Cities and Burghs respectively, as provided by the Statute Third and Fourth *William* Fourth, Chapter Seventy-six, Section Twenty-two.

Town Councils in Hawick and Galashiels.

11. On and after the First *Tuesday* in *December* One thousand eight hundred and sixty-eight each of the Towns or Burghs of *Hawick* and *Galashiels* shall have Fifteen Councillors, whereof One

shall be Provost, Four shall be Bailies, and One a Treasurer; and the said Councillors, Provost, Bailies, and Treasurer shall be elected, and the Affairs of the said Burghs or Towns shall be administered, in every respect, except as herein provided, as if they had been classed with *Paisley*, *Greenock*, *Leith*, and *Kilmarnock* in the Act Third and Fourth *William* the Fourth, Chapter Seventy-seven, and had been made expressly subject to the whole Provisions of the said Act, and the Acts amending the same, and of this Act, so far as such Provisions are applicable to the said Towns or Burghs of *Hawick* and *Galashiels*: Provided always, that nothing herein contained shall affect the Right of the Magistrates and Council of the Burgh of *Hawick* to elect the Town Clerk of said Burgh for a Term of Three Years; and provided also, that any Person entitled to vote for Town Councillors in the said Burgh of *Hawick* may be elected a Member of the Town Council of the Burgh.

Election of Provost and Magistrates for Dunfermline.

12. The Town Council of the Royal Burgh of *Dunfermline*, instead of electing a Provost, Two Bailies, and a Treasurer as heretofore, shall, on and after the First *Tuesday* of *December* One thousand eight hundred and sixty-eight, elect from among their own Number One to be Provost or Chief Magistrate, Four to be Bailies, and One to be Treasurer; and in all respects the Provost, Bailies, Treasurer, and Councillors elected under the Provisions of this Act, and the Office Bearers lawfully appointed by them, shall have the same Jurisdiction, Powers, Rights, and Privileges as their Predecessors have heretofore had and exercised in the Administration of the Affairs of the said Burgh.

Election in Burghs having no legal Councils and being under the Administration of Managers.

13. Where any Burgh shall at the Time of the passing of this Act be without any legal Council, and be under the Administration of Managers lawfully appointed, the qualified Electors of such Burgh shall, on the First *Tuesday* of *December* next after the passing of this Act, proceed to choose the Number of Councillors provided to such Burgh by the Act Third and Fourth *William* the Fourth, Chapter Seventy-six, or the Act Fifteenth and Sixteenth *Victoria*, Chapter Thirty-two; and where any such Burgh shall, in consequence of the Decision of a Court of Law or otherwise, be without a legal Council at any future Time, and under the Administration of Managers, the qualified Electors of such Burgh shall, on the First *Tuesday* of *November* next ensuing after the Date of the Appointment of such Managers, proceed to choose the Number of Councillors provided to such Burgh by the said last-mentioned Acts; and in all such Cases the Sheriff of the County within which such Burgh is situated shall, on Application made to him by any qualified Elector of such Burgh, appoint One of the Managers thereof to discharge the Duties and exercise the Powers directed in the said last-

last-mentioned Acts to be performed by the retiring Provost or senior Magistrate of such Burgh; and every such Election shall proceed and be carried on in all other respects in the Manner provided by the said last-mentioned Acts and this Act until the Council of such Burgh shall be completed.

Election of Magistrates, &c. in Cases where Burgh have been without Council and under Managers.

14. Immediately after the Election of Councillors in any such Burgh shall be completed in manner herein-before provided, the Councillors so elected shall proceed to elect from among their own Number a Provost or Chief or Senior Magistrate, and the other Magistrate or Magistrates of such Burgh, and shall also elect a Treasurer and the other usual and ordinary Office Bearers fixed by the Set or Usage of such Burgh, and shall elect Managers of any charitable Institution which may be connected with such Burgh, and the Appointment of Managers to which is vested in the Magistrates and Council of such Burgh, all in the Manner provided in the said Act Third and Fourth *William* the Fourth, Chapter Seventy-six, with regard to the Election of Magistrates and other Office Bearers; and the Councillor who had the greatest Number of Votes at the Election of Councillors shall preside at such Election, and have a casting or double Vote in case of Equality; and in the event of Two or more Councillors having an equal Number of Votes, One of the Managers of such Burgh, to be appointed as aforesaid, shall preside, and shall have a casting but no deliberative Vote; and immediately on the Completion of such Election of Magistrates the Managers of such Burgh shall cease to hold Office and to administer the Affairs of the Burgh; and all succeeding annual Elections of Councillors and Magistrates in any such Burgh shall take place at the Time and in the Manner provided in the said last-mentioned Acts and in this Act.

Amendment of Sect. 6. of 3 & 4 W. 4. c. 76.

15. In lieu of the Court of Review provided by the Sixth Section of the Act Third and Fourth of *William* the Fourth, Chapter Seventy-six, all Appeals against the Decision of the Provost or Chief Magistrate and Assessor in Royal Burghs not now entitled to send or to contribute to send a Member or Members to Parliament, referred to in said Section, shall be taken to the Sheriff of the County within which such Burghs are situated respectively; and the said Sheriff shall have all the Powers of such Court of Review, and his Decision shall be final, and not subject to Review.

Re-arrangement of Wards.

16. As soon as conveniently may be after the passing of this Act each Burgh now divided into Wards for the Purpose of electing Town Councillors shall be re-divided into the same Number of Wards arranged with the view of accommodating the enlarged Constituency created by virtue of the Act of Thirty-first and

Thirty-

Thirty-second *Victoria*, Chapter Forty-eight, and for this Purpose the Chief Magistrate of each Burgh, the Sheriff of the County in which the Burgh is situated (excluding his Substitutes), and a Person to be appointed by One of Her Majesty's Principal Secretaries of State, or any Two of them, shall re-divide the Burgh into the same Number of Wards into which it is now divided, each Ward being numbered and having a distinctive Name or Number; and regard shall be had by them to the Number of Municipal Electors, and also to the Value of the Property in each Ward as appearing on the Valuation Roll; and the Parties aforesaid shall cause the proposed Division into Wards to be delineated upon a Plan which shall be open to the Inspection of all Persons concerned for the Space of Fourteen Days, and Notice shall be given previously to the first of the said Fourteen Days by Advertisement in One or more Newspapers published within the Burgh or the County in which the Burgh is situated where the said Plan is to be seen; and upon a Day after the Expiry of the said Fourteen Days to be specified in the said Advertisement the Parties aforesaid shall hear all concerned for their Interests, and thereupon the said proposed Division shall be finally adjusted by the Parties aforesaid, and they shall fix and determine the Order in which each of the re-arranged Wards shall be substituted for each of the existing Wards in returning Members to the Town Council in lieu of those who retire by Rotation; and the Parties aforesaid shall report the same to One of Her Majesty's Principal Secretaries of State, and on their Report being approved of by him the said Re-arrangement of Wards shall be published once at least in the *Edinburgh Gazette*, and in One of the Newspapers published within the Burgh or the County in which the Burgh is situated; and the said new Boundaries of Wards having been approved of and published as aforesaid shall take effect, and shall, after the Expiry of the present Year, be substituted for the existing Boundaries of Wards in making up the Rolls of Parliamentary and Municipal Electors for the Burgh: Provided always, that nothing herein contained shall limit the Powers of the Sheriff under the Act Fifth and Sixth *William* the Fourth, Chapter Seventy-eight, Section Three: Provided also, that if in any Burgh it shall appear to the Town Clerk that more than One Polling Place or Compartment is required for Municipal Elections in any of the Wards, he shall provide such additional Number as may be necessary, and publish the same in the Manner set forth in the Act Third and Fourth *William* the Fourth, Chapter Seventy-six.

Burghs not now divided may be divided into Wards

17. It shall be lawful for the Town Council of any Royal or Parliamentary Burgh, having by the Census last taken a Population of above Ten thousand Persons, and not at the passing of this Act divided

divided into Wards, to resolve, by a Majority of not less than Two Thirds of their Number, that the Burgh shall be divided into Wards for the Purpose of Parliamentary and Municipal Elections; and upon any such Resolution being adopted the Chief Magistrate of such Burgh, the Sheriff of the County in which the Burgh is situated (excluding his Substitutes), and a Person to be appointed by One of Her Majesty's Principal Secretaries of State, or any Two of them, shall divide the Burgh into Wards, each Ward being numbered, and having a distinctive Name or Number; and in fixing the Number of Wards, and in determining the Boundaries thereof, regard shall be had by them to the Number of Town Councillors in the Burgh and to the Number of Municipal Electors, and also to the Value of the Property as appearing on the Valuation Roll; and the Parties aforesaid shall cause the proposed Division into Wards to be delineated upon a Plan which shall be open to the Inspection of all Persons concerned for the Space of Fourteen Days, and Notice shall be given previous to the first of the said Fourteen Days by Advertisement in One or more Newspapers published or circulating within the Burgh or the County in which the Burgh is situated where the said Plan is to be seen; and upon a Day after the Expiry of the said Fourteen Days to be specified in the said Advertisement the Parties aforesaid shall hear all concerned for their Interests, and thereupon the said proposed Division shall be finally adjusted by the Parties aforesaid, and they shall fix and determine the Wards to which the existing Town Councillors shall be apportioned, and the Order in which they shall retire by Rotation; and the Parties aforesaid shall report the same to One of Her Majesty's Principal Secretaries of State, and on their Report being approved of by him the said Division into Wards shall be published once at least in the *Edinburgh Gazette*, and in One of the Newspapers published or circulating within the Burgh or the County in which the Burgh is situated; and the said Boundaries of Wards having been approved of and published as aforesaid shall take effect, and shall, after the Expiry of the present Year, be the Boundaries of Wards in making up the Rolls of Parliamentary and Municipal Electors for the Burgh: Provided always, that nothing herein contained shall limit the Powers of the Sheriff under the Act Fifth and Sixth *William* the Fourth, Chapter Seventy-eight, Section Three: Provided also, that if in any Burgh it shall appear to the Town Clerk that more than One Polling Place or Compartment is required for Municipal Elections in any of the Wards, he shall provide such additional Number as may be necessary, and publish the same in the Manner set forth in the Act Third and Fourth *William* the Fourth, Chapter Seventy-six.

Repeal of Acts.

18. All Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the Provisions of this Act, but in all other respects they shall remain in full Force and Effect, and this Act shall be read and construed along with the Tenor thereof.

SCHEDULES.

SCHEDULE (A.)

I *A.B.* declare that I am the Individual described in the Register now in force for the Burgh of
as *A.B.* [*here insert Description in the same Words as in the Register*], and that I have not already voted at this Election.

SCHEDULE (B.)

We *A.B.* [*here insert Name and Place of Abode as in the Municipal Register for the Burgh*], and *B.C.* [*here insert Name and Place of Abode as aforesaid*], hereby propose *C.D.* [*here insert Name and Place of Abode as in the Municipal Register for the Burgh*] for Election as a Councillor * at the next ensuing Municipal Election in the Burgh of [*specify Burgh*].

* When the Burgh is divided into Wards add here "for the Ward [*specifying such Ward*]."

Given under our Hand this [*insert Date*].

A.B. _____

B.C. _____

To _____

Town Clerk.

SCHE-

SCHEDULE (C.)

Burgh of [*specify Burgh*].

In Terms of the Municipal Elections Amendment (Scotland) Act 1868, I hereby give Notice that I have received Intimation that the following Persons are proposed for Election as Councillors in this Burgh at the Municipal Election on Tuesday next :*

Name of Candidate.	Place of Abode of Candidate.	Names of Proposer and Seconder.	Places of Abode of Proposer and Seconder.

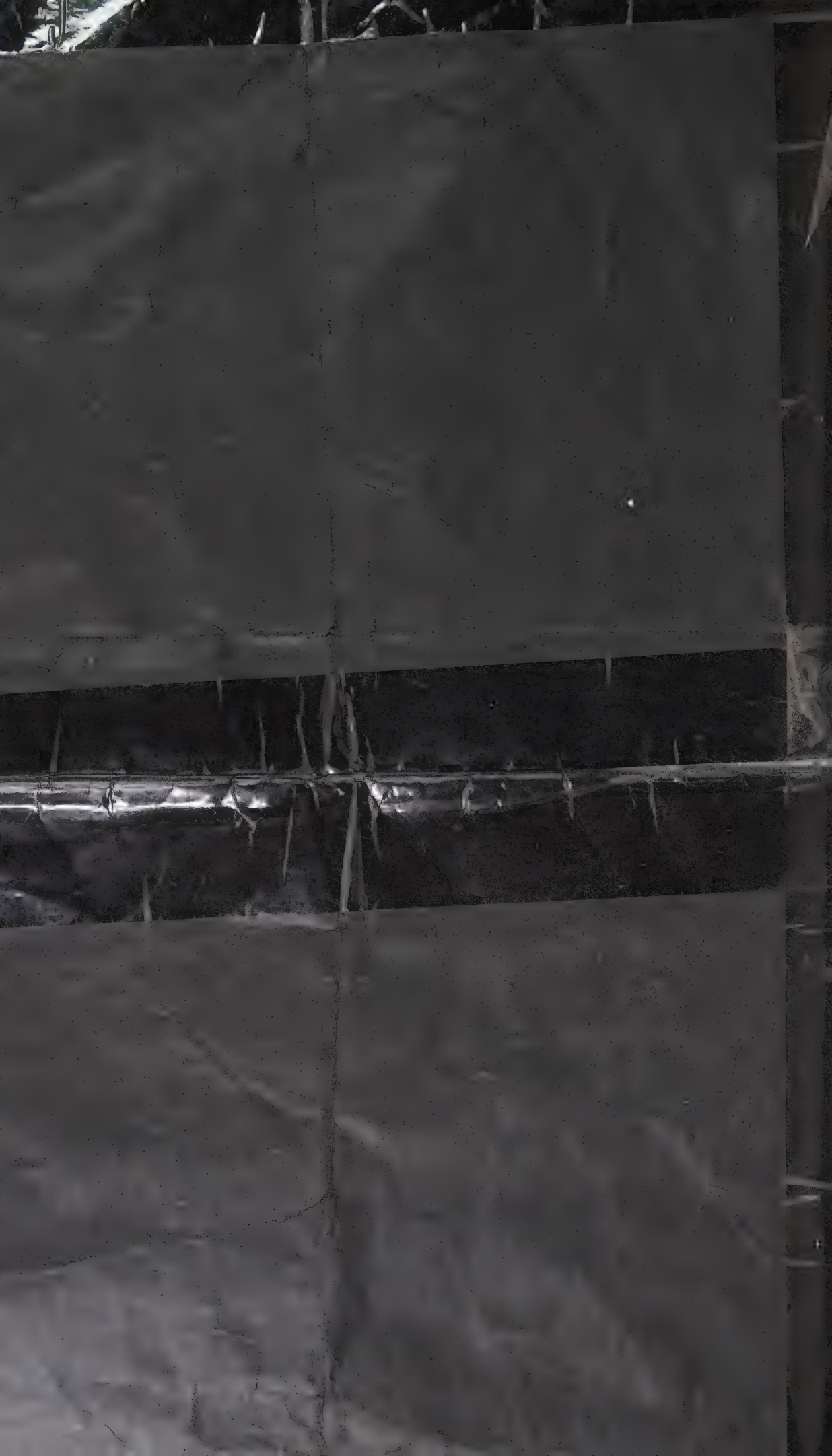
* Where the Burgh is divided into Wards, the Names, &c. of Candidates, &c. for each Ward to be separately distinguished.

Given under my Hand at [*specify Place and Date*].

E.F.

Town Clerk.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CIX.

An Act for the Abolition of compulsory Church Rates. [31st *July* 1868.]

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling:

And whereas it is expedient that the Power to compel Payment of Church Rates by any legal Process should be abolished:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Compulsory Church Rates abolished.

1. From and after the passing of this Act no Suit shall be instituted or Proceeding taken in any Ecclesiastical or other Court, or before any Justice or Magistrate, to enforce or compel the Payment of any Church Rate made in any Parish or Place in *England* or *Wales*.

Saving of Rates called Church Rates, but applicable to secular Purposes.

2. Where in pursuance of any General or Local Act any Rate may be made and levied which is applicable partly to Ecclesiastical Purposes and partly to other Purposes, such Rate shall be made, levied, and applied for such last-mentioned Purposes only, and so far

far as it is applicable to such Purposes shall be deemed to be a separate Rate, and not a Church Rate, and shall not be affected by this Act.

Where in pursuance of any Act of Parliament a mixed Fund, arising partly from Rates affected by this Act and partly from other Sources, is directed to be applied to Purposes some of which are Ecclesiastical Purposes, the Portion of such Fund which is derived from such other Sources shall be henceforth primarily applicable to such of the said Purposes as are Ecclesiastical.

Provision where Money is due on Security of such Rates.

3. In any Parish where a Sum of Money is at the Time of the passing of this Act due on the Security of Church Rates, or of Rates in the Nature of Church Rates, to be made or levied in such Parish under the Provisions of any Act of Parliament, or where any Money in the Name of Church Rate is ordered to be raised under any such Provisions, such Rates may still be made and levied, and the Payment thereof enforced by Process of Law, pursuant to such Provisions, for the Purpose of paying off the Money so due, or paying the Money so ordered to be raised, and the Costs incidental thereto, but not otherwise, until the same shall have been liquidated: Provided, that the Accounts of the Churchwardens of such Parish in reference to the Receipt and Expenditure of the Monies levied under such Acts shall be audited annually by the Auditor of the Poor Law Union within whose District such Parish shall be situate, unless another Mode of Audit is provided by Act of Parliament.

Provision as to Church Rates already made.

4. Any Church Rate, or Rate in the Nature of Church Rate, made at any Time before the passing of this Act, may be collected and recovered in the same Way as if this Act had not been passed.

Not to affect Enactments in Local Acts, &c. where Rates are made for Purposes herein named.

5. This Act shall not affect any Enactment in any Private or Local Act of Parliament under the Authority of which Church Rates may be made or levied in lieu of, or in consideration of the Extinguishment or of the Appropriation to any other Purpose of, any Tithes, customary Payments, or other Property or Charge upon Property, which Tithes, Payments, Property, or Charge, previously to the passing of such Act, had been appropriated by Law to Ecclesiastical Purposes as defined by this Act, or in consideration of the Abolition of Tithes in any Place, or upon any Contract made, or for good or valuable Consideration given, and every such Enactment shall continue in force in the same Manner as if this Act had not passed.

Act not to affect Vestries, &c.

6. This Act shall not affect Vestries, or the making, assessing, receiving, or otherwise dealing with any Church Rate, save in so far as relates to the Recovery thereof; but, subject to the Provisions herein-

herein-before contained, whensoever any Ecclesiastical District having within its Limits a consecrated Church in use for the Purposes of Divine Worship shall have been legally constituted out of any Parish or Parishes, and whether such District shall or shall not be a separate and distinct Parish, the Inhabitants of such District shall not be entitled to vote for or in reference to a Church Rate or the Expenditure thereof at any Vestry Meeting of the Parish or Parishes out of which the said District is formed, nor shall they be assessed to any Rate made in relation to the Parish Church of the said Parish or Parishes, but such Inhabitants may assemble in Vestry, and, subject to the Provisions of this Act, may make and assess a Rate in relation to the Church of their own District in like Manner as if such Church were the Church of an ancient Parish: Provided that nothing in this Act contained shall affect any Right of Burial to which the Inhabitants of the District may be entitled in the Churchyard of the Mother Church.

Trustees and others under Incapacity may subscribe to voluntary Rate.

7. It shall be lawful for all Bodies Corporate, Trustees, Guardians, and Committees who or whose Cestuisque Trust are in the Occupation of any Lands, Houses, or Tenements to pay, if they think fit, any Church Rate made in respect of such Property, although the Payment of the same may not be enforceable after the passing of this Act, and the same shall be allowed to them in any Accounts to be rendered by them respectively.

Regulations as to Persons refusing to pay Church Rates.

8. No Person who makes default in paying the Amount of a Church Rate for which he is rated shall be entitled to inquire into, or object to, or vote in respect of the Expenditure of the Monies arising from such Church Rate; and if the Occupier of any Premises shall make default for One Month after Demand in Payment of any Church Rate for which he is rated, the Owner shall be entitled to pay the same, and shall thereupon be entitled, until the next succeeding Church Rate is made, to stand for all Purposes relating to Church Rates (including the attending at Vestries and voting thereat) in the Place in which such Occupier would have stood.

Power to appoint Church Trustees.

9. A Body of Trustees may be appointed in any Parish for the Purpose of accepting, by Bequest, Donation, Contract, or otherwise, and of holding any Contributions which may be given to them for Ecclesiastical Purposes in the Parish.

The Trustees shall consist of the Incumbent and of Two Householders or Owners or Occupiers of Land in the Parish, to be chosen in the first instance, and also from Time to Time on any Vacancy in the Office by Death, Incapacity, or Resignation, one by the Patron, and the other by the Bishop of the Diocese in which the Parish is situate.

The

The Trustees shall be a Body Corporate by the Name of the Church Trustees of the Parish to which they belong, having a perpetual Succession and a Common Seal, with Power to sue and be sued in their Corporate Name.

The Trustees may from Time to Time, as Circumstances may require, pay over to the Churchwardens, to be applied by them either to the general Ecclesiastical Purposes of the Parish, or to any specific Ecclesiastical Purposes of the Parish, any Funds in their Hands, and the Funds so paid over may be applied to such Purposes, and shall not be applied to any other Purpose: Provided always, that no Power shall be thereby conferred on the Churchwardens to take order with regard to the Ecclesiastical Purposes of the Parish further or otherwise than they are now by Law entitled to do: Provided also, that due Regard shall be had to the Directions of the Donors of Funds contributed for any special Ecclesiastical Purposes; and, subject as aforesaid,

The Trustees may invest in Government or Real Securities any Funds in their Hands, and accumulate the Income thereof, or otherwise deal with such Funds as they think expedient, subject to the Provisions of this Act.

The Incumbent shall be the Chairman of the Trustees.

The Trustees shall once at the least in every Year lay before the Vestry an Account of their Receipts and Expenditure during the preceding Year, and of the Mode in which such Receipts have been derived and Expenditure incurred, together with a Statement of the Amount, if any, of Funds remaining in their Hands at the Date of such Account.

Definition of "Ecclesiastical Purposes," "Church Rate," and "Parish."

10. In this Act "Ecclesiastical Purposes" shall mean the building, rebuilding, Enlargement, and Repair of any Church or Chapel, and any Purpose to which by Common or Ecclesiastical Law a Church Rate is applicable, or any of such Purposes:

"Church Rate" shall mean any Rate for Ecclesiastical Purposes as herein-before defined:

"Parish" shall mean any Parish, Ecclesiastical District, Chapelry, or Place within the Limits of which any Person has the exclusive Cure of Souls.

Short Title.

11. This Act may be cited as "The Compulsory Church Rate Abolition Act, 1868."

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

***

Electric Telegraphs.

Provisions of 26 & 27 Vict. c. 112. incorporated.

2. The Telegraph Act, 1863, shall be incorporated with this Act, except so far as the same, or any Part thereof, may be expressly varied, altered, or be inconsistent with this Act; and the Term "the Company," in the Telegraph Act, 1863, shall, in addition to the Meaning assigned to it in that Act, mean the Postmaster General.

Interpretation of Terms.

3. Terms to which Meanings are assigned by the Telegraph Act, 1863, have in this Act the same respective Meanings; and the Word "Land" in such last-mentioned Act shall, in addition to the Meaning thereby assigned to it, include any Term, Estate, Easement, Interest, Right, or Privilege, in, over, or affecting Land, and shall include the Works, Tubes, Wires, Posts, and other Property purchased or acquired by the Postmaster General.

In this Act:—

The Term "the Undertaking" shall mean the whole or any Part of the Electric and other Telegraphs, Wires, Posts, Pipes, Tubes, and other Works, Instruments, Materials, Lands, Tenements, Hereditaments, and Buildings, Parliamentary, prescriptive, and other Rights, Powers, Privileges, Patents, and all other Property whatsoever of any Company, Corporation, or Persons engaged in the United Kingdom of *Great Britain* and *Ireland* in transmitting Messages for Money or other Consideration by means of Electric or other Telegraphs:

The Term "any Company" shall mean any Company, Corporation, or Persons now engaged in the United Kingdom of *Great Britain* and *Ireland* in transmitting, or authorized to transmit, Messages for Money or other Consideration, by means of Electric or other Telegraphs, or mechanical Agencies, and each and every of those Companies.

Purchase.

Power to Postmaster General to purchase Undertakings of Telegraph Companies.

4. It shall be lawful for Her Majesty's Postmaster General and he is hereby authorized, with the Consent of the Lords Commissioners of Her Majesty's Treasury, from Time to Time, out of any Monies which may be from Time to Time appropriated by Act of Parliament and put at his Disposal for that Purpose, to purchase for the Purposes of this Act, the whole, or such Parts as he shall think fit, of the Undertaking of any Company, and any Undertaking, and all other Property purchased under the Powers of this Act, shall be vested in and held by Her Majesty's Postmaster General, in his corporate Capacity, and his Successors: Provided always, that no such Purchase be made, and that no Agreement other than the Agreements confirmed by this Act for any such Purchase be binding, unless the said Agreement, accompanied by a Minute from the Commissioners of Her Majesty's Treasury, in which the Grounds of the Agreement shall be set forth, shall have lain for One Month on the Table of both Houses of Parliament without Disapproval.

Sale.

Sale.

Power to Telegraph Companies to sell their Undertakings to the Postmaster General.

5. Any Company, with the Authority of Two Thirds of the Votes of their Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, may sell all or any Portion of their Undertaking to the Postmaster General for such Sum of Money as may be mutually agreed upon between the Postmaster General and the Company; and the Execution by any Company under their Common Seal of a Conveyance to the Postmaster General, duly stamped, of their Undertaking, shall be sufficient to vest the same in the Postmaster General for all the Estate, Right, Title, and Interest of the Company therein, with all incidental Rights, Privileges, and Easements, and the same may be used, exercised, and enjoyed by the Postmaster General in the same Manner and to the same Extent as the same respectively are, or if this Act had not been passed might be held, used, exercised, and enjoyed by any Company, and the Receipt of Two of the Directors of any Company for the Purchase Money, endorsed upon the Deed of Conveyance, shall be a sufficient Discharge for the same to the Postmaster General, who shall not be bound to see to the Distribution thereof.

Acts, &c. of Companies selling their Undertakings to remain in force, and the Powers thereof to be exercised by the Postmaster General.

6. All Acts, Charters, and Grants, and all valid Deeds and Agreements made to, from, by, or with any Company whose Undertaking shall be sold and conveyed to the Postmaster General under the Powers of this Act shall (except as far as they are by this Act expressed to be varied or repealed, or are inconsistent with the Provisions of this Act,) remain in full Force, and all Matters to be done, continued, or completed, or which, but for the passing of this Act, would, might, or could be done, continued, or completed by or against the Company so selling their Undertaking, their Officers or Servants, shall or may (as the Case requires) be done, continued, or completed by or against the Postmaster General, his Officers and Servants, and those Acts, Charters, Grants, Deeds, and Agreements shall be construed as if the Postmaster General had been named therein instead of the Company so selling their Undertaking; and it shall be lawful for any Person to enforce any such Act, Charter, Grant, Deed, or Agreement by Action, Suit, or other legal Proceeding against the Postmaster General in the same Court, and in the same Manner, and with the same Rights and Liabilities to pay Costs and otherwise, as if this Act had not been passed.

Companies may require Postmaster General to purchase their Undertaking under

7. If the Postmaster General shall acquire any One Undertaking under the Powers of this Act he shall, upon the Request, in Writing, of any Company possessing an Undertaking established by Special Act of Parliament or Royal Charter at the Time of the passing of this Act, purchase the Undertaking of such Company, upon

certain Circumstances.

upon Terms to be settled (failing Agreement) by Arbitration, provided such Request be made within Twelve Calendar Months after the Postmaster General shall have so acquired any One Undertaking; and any Railway Company possessed of a Telegraph open to the Use of the Public on the First of *January* One thousand eight hundred and sixty-eight for transmitting Messages for Money, or possessing any beneficial Interest in such Telegraph, shall be included in this Provision, and any such Railway Company shall be entitled upon a like Request, in Writing, to require the Postmaster General to purchase the Right of such Railway Company to transmit such Messages or other beneficial Interest.

Provided always, that nothing in this Act shall enable the Postmaster General to purchase the Undertakings of the *Atlantic* Telegraph Company or of the *Anglo-American* Telegraph Company (Limited), or any Part of such Undertakings.

Provision as to Purchase of certain Undertakings herein named.

8. With respect to the Purchase of the Undertakings of the Electric and International Telegraph Company, the *British and Irish* Magnetic Telegraph Company, and the *United Kingdom* Electric Telegraph Company (Limited), be it enacted as follows:

(1.) Each of the Three Companies may, with the Authority of Two Thirds of the Votes of its Shareholders, present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, sell and convey, and the Postmaster General shall upon Demand of the Company under its Common Seal purchase, the whole Undertaking of the said Company:

(2.) The Price to be paid by the Postmaster General to each Company for its Undertaking shall be Twenty Years Purchase of the net Profits during the Year ending on the Thirtieth Day of *June* One thousand eight hundred and sixty-eight from the Undertaking so conveyed; and in the Case of the *United Kingdom* Company there shall be paid in addition to the Amount aforesaid—

First, the Price paid by the Company for the Patent of "*Hughes's* Type-printing Telegraph," such Price not to exceed Twelve thousand Pounds;

Secondly, a Sum equal to the estimated aggregate Value of the quoted Ordinary Share Capital of the Company reckoned on the highest Quotation shown in the Official Lists of the *London* Stock Exchange on any Day between the First and the Twenty-fifth Days of *June* One thousand eight hundred and sixty-eight; and

Thirdly, Compensation for the Loss of the prospective Profits of the Company on the Ordinary Shares, and any Sum

Sum that may be determined upon in consideration of the Efforts made by the Company to establish an uniform Shilling Rate for the Conveyance of Telegraphic Messages:

(3.) If any Difference arises between the Postmaster General and any of the said Companies concerning the Amount of such net Profits as aforesaid, or in the Case of the *United Kingdom* Company as to the Price paid for "*Hughes's* Type-printing Telegraph," or as to the estimated aggregate Value of the Share Capital or the Compensation for the Loss of prospective Profits, or the Sum to be paid in consideration of the Efforts of the Company to establish an uniform Shilling Rate, every such Difference shall be settled by Arbitration in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, and the Provisions of that Act with respect to Arbitration shall be deemed to be incorporated with this Act:

(4.) The Purchase Money and Compensation to be paid by the Postmaster General under the Provisions aforesaid shall be paid to the Directors of each Company, and the Receipt under the Common Seal of the Company, countersigned by the Chairman or Deputy Chairman and by the Secretary thereof, shall be a sufficient Discharge to the Postmaster General for the Amount therein specified to be received; and the Postmaster General shall not be required to see to the Application of the Sums so paid or be responsible for Misapplication thereof:

(5.) The Amounts so received by the Directors of each Company shall, together with all undivided Profits and any Monies in the Hands of or due to the Company up to the Date of Transfer, be applied by them in the first place in discharge of all the Debts of the same Company, and in Payment of any Sums that may be voted by the Shareholders for Payment for or in recognition of Special Services rendered to the Company, and after such Discharge the Residue shall be distributed among the Shareholders of that Company in such Proportion and in such Manner in all respects as the Arbitrator herein-after named shall award and determine after due Consideration of the Circumstances under which each Class of Shares was created, and after hearing such of the Parties interested as shall upon Notice of the Appointment for that Purpose advertised for Two successive Days in the *Times* Newspaper published at *London* at least Ten Days before the Day of such Hearing appear and desire to be heard. The Arbitrator

before referred to shall be the Most Honourable *Robert Arthur Talbot* Marquis of *Salisbury*, or him failing, *John Hawkshaw* Esquire, or him failing, a single Arbitrator to be appointed by the Board of Trade at the Request of the Directors of each Company in Writing under its Common Seal; the Award of such Arbitrator shall be final and absolute, and the Directors shall distribute among the Shareholders the Residue of the said Purchase Money and Compensation in strict and absolute Conformity with such Award; and all the Costs, Charges, and Expenses of and incident to any and every such Arbitration shall be paid by the Company requiring the same:

(6.) In the Case of the United Kingdom Company, with regard to their Six *per Cent.* Debenture Debt, the Arbitrator shall before Distribution of the Residue among the Shareholders consider and determine whether the Holders of such Stock ought or not to receive any and what Amount beyond the naked Debt and Interest in respect of the Conditions attaching to such Stock, and he shall award accordingly:

(7.) Every Officer and Clerk of any Company, the Undertaking of which may be so purchased, who has been not less than Five Years in the Service of Telegraph Companies, and in the Receipt of a yearly Salary, or who has been not less than Seven Years in the Service of Telegraph Companies, and is in receipt of Remuneration at a Rate of not less than Fifty Pounds a Year, shall, if he receives no Offer of an Appointment by the Postmaster General, in the Telegraphic Department, which shall be deemed by an Arbitrator appointed by Agreement, or, failing Agreement, appointed by the Recorder of *London* for the Time being, to be of equal Value to the Appointment held by him under any Company, receive during his Life from the Postmaster General, by way of Compensation for the Loss of his Office, from the Time at which the Government takes possession of the Company's Telegraph, an Annuity, payable half-yearly, equal, if he shall have been in the Service of Telegraph Companies Twenty Years, to Two Thirds of the annual Emolument derived by him from his Office on the Twenty-fourth Day of *June* One thousand eight hundred and sixty-eight, and with respect to any such Person who has been in such Service less than Twenty Years the said Annuity shall be diminished at the Rate of One Twentieth for every Year less than Twenty Years during which he has been in such Service; such

Officers

Officers and Clerks as enter into the Service of the Postmaster General shall be entitled to count their past Years of continuous Service with the Telegraph Companies as Years passed in the Civil Service of the Crown, and all such Officers and Clerks upon their Appointment be deemed to be, to all Intents and Purposes, Officers and Clerks in the permanent Civil Service of the Crown, and shall be entitled to the same but no other Privileges.

Postmaster General to enter into Contracts with certain Railway Companies.

9. Whereas the Railway Companies in the United Kingdom are for the most part either themselves Owners of Telegraphs which are used for the Conveyance of public Messages, and which are also essential for the safe Conduct of the Traffic on their respective Undertakings, or they have Contracts for various Terms of Years with Telegraph Companies, whose Telegraphic Apparatus is placed in the Stations and along the Railways and Canals of the Railway Companies, by which Contracts Provision is made with respect to the Matters aforesaid: And whereas with certain Railway Companies Agreements have been entered into by the Postmaster General (subject to the Approbation of Parliament), which Agreements are referred to in Schedules to this Act, and it is expedient that with respect to certain other Railway Companies, namely, the *London and North-western*, the *Midland*, the *Lancashire and Yorkshire*, the *Great Northern*, the *Manchester, Sheffield, and Lincolnshire*, the *North Staffordshire*, the *Great Eastern*, the *London, Brighton, and South Coast*, the *Metropolitan*, the *Metropolitan District*, the *Metropolitan and St. John's Wood*, the *Highland*, the *Sutherland*, the *Leven and East of Fife*, the *Glasgow and South-western*, and the *Great North of Scotland*, the Provisions herein-after contained be made as to the Undertakings belonging separately to the said Companies or held by them jointly with any other Company, or held by them respectively on Lease: Be it therefore enacted as follows:—

(1.) The Postmaster General shall give to each Railway Company Three Months Notice before he acquires the Undertakings of any of the Telegraph Companies with which the Railway Company has Agreements; and on the Expiration of such Notice such Agreements shall cease and determine:

(2.) On such Acquisition as aforesaid all the Posts, Wires, Instruments, and other Telegraphic Apparatus belonging to the Railway Company, and also all Posts, Wires, Instruments, and other Telegraphic Apparatus belonging to the Telegraph Companies on the Railway Company's Lines and Canals which are necessary for establishing a complete System of Telegraphy in connexion with the working

working of Trains and the Traffic of the Lines and Canals, shall become the absolute Property of the Railway Company, and shall be handed over to them by the Postmaster General free of Charge in efficient working Order, so that the Railway Company may be in a Position at once to take up and carry on their own Telegraph Work on their own System, and thereafter the said Posts, Wires, Instruments, and other Telegraphic Apparatus shall be maintained and worked by the Railway Company:

(3.) On such Acquisition as aforesaid the Postmaster General shall be entitled to use from Telegraph Stations not on the Lines of Railway all the Wires belonging to the respective Telegraph Companies on the Line, and employed exclusively in the Transmission of the public Telegraph Business, which are erected on the Poles to be handed over to the Railway Company under Paragraph (2); and he, at his Cost, shall also be entitled to call upon the Railway Company to erect and maintain additional Wires on the said Poles, provided they are sufficiently strong and high for the Purpose; and also to erect new Poles at Places to be agreed upon with Wires over any of the Lines and Canals of the Company, but so that such new Poles shall not interfere in any way with the Convenience or working of the Railway or Canals of the Company, or obstruct the working of the Traffic thereon. The Railway Company shall maintain all the Posts and Wires used for public Messages, the Postmaster General paying for the same as may be agreed or settled by Arbitration:

(4.) The Postmaster General may require the Railway Company to affix Wires to existing Posts (if they can bear them), and the Company may have a like Power to affix Wires to the Posts belonging from Time to Time to the Postmaster General, if sufficient for the Purpose, and the Cost of Maintenance of such Posts shall be divided between the Postmaster General and the Company, in proportion to the Number of Wires belonging to each on each Post:

(5.) The Railway Company may shift the Poles, Wires, and Apparatus belonging to the Postmaster General when necessary for the Purposes of their Works or Traffic; but in all such Cases the Postmaster General shall pay to the Railway Company the actual Costs incurred in shifting such Poles and Apparatus, but if such Poles support the Wires of the Railway Company and of the Postmaster General, the Cost of shifting the same shall be apportioned according to the Number of Wires belonging to or respectively

tively used by the Railway Company and the Postmaster General.

(6.) The Postmaster General shall pay the Railway Company the following Sums by way of Compensation:

a. Twenty Years Purchase of the Amount of the net annual Receipts (if any) of public Telegraph Messages received and forwarded by the Railway Company on their own Account, reckoned on the Basis of the Receipts derived therefrom over a continuous Period of Twelve Months prior to the Thirtieth Day of *June* One thousand eight hundred and sixty-eight:

b. Twenty Times the Amount of the estimated annual Increase, calculated upon the average Increase of the preceding Three Years of the said Receipts from Telegraphic Messages, or where the Business has been commenced within Three Years calculated upon the Increase during such shorter Period, such annual Amount in case of Difference to be settled by Arbitration:

c. All Rents and annual or other Payments payable to the Railway Company by public Telegraph Companies during the still unexpired Periods embraced in their respective Agreements, and at the Terms mentioned in said Agreements respectively:

d. Such Sums as shall be agreed upon, or in default of Agreement as shall be settled by Arbitration, in respect of the Loss by the Railway Company of the Privilege of granting other Wayleaves and making future Arrangements with Telegraph or other Companies, and in respect of granting a Monopoly to the Postmaster General for the Conveyance of Telegraphs over their Railways as herein provided for:

e. Such Sums as shall be agreed upon, or in default of Agreement as shall be settled by Arbitration, as the Value of the Railway Company's Reversionary Interest (if any) in the Telegraph Receipts from public Messages on the Expiration of the Agreements with the respective Telegraph Companies:

f. Such Sums as shall be agreed upon, or in default of Agreement as shall be settled by Arbitration, for the Loss occasioned by Removal of any Clerks now provided by the Telegraph Company, and for any extra Cost which the Railway Company may incur

in working their Telegraph for Railway Purposes as a separate System;

g. The Postmaster General shall transmit to their respective Destinations all Messages of the Railway Company in any way relating to the Business of the Company to and from any "Foreign Stations" in the United Kingdom free of Charge:

h. On such Acquisition as aforesaid the Postmaster General shall, as herein provided, have a perpetual Right of Way for his Poles and Wires over the whole of the Railway Company's System, and in consideration thereof he shall pay to the Railway Company such Sum *per* Mile *per* Wire over the whole of the said System, by way of yearly Rent, as shall be determined by Agreement between the Parties, or failing Agreement, as shall be fixed by Arbitration:

The Arbitrator, in determining the Amounts to be paid to the Railway Company under this Act, shall have regard to the Agreements which subsist between the Railway Company and any Telegraph Company, and also to a compulsory Sale being required from the Railway Company; and in estimating the Amount to be paid under any One Part of this Section shall have regard to the Advantages to be obtained and the Disadvantages to be sustained by the Railway Company under any other Part of this Section:

(7.) The Railway Company shall, if required by the Postmaster General so to do, from Time to Time, at such Times and under such Regulations as shall be agreed upon, receive Messages for Transmission by the public or private Telegraph Wires (but if the latter, the Railway Messages to have Priority), and shall at the Postmaster General's sole Risk and Expense transmit the same either to their Place of Destination, if upon the Company's Lines, or to some convenient Post Office as shall be arranged, and in respect of such Receipt and Transmission the Company shall act as Agents of the Postmaster General, and shall receive in respect thereof such Remuneration as shall be agreed upon, or in case of Difference as shall be from Time to Time settled by Arbitration. The Postmaster General to provide the necessary Instruments at the Railway Company's Stations for the public Wires, such Instruments to be maintained by the Railway Company at the Expense of the Postmaster General:

(8.) The

(8.) The Railway Company may, notwithstanding anything in this Act contained, and without Payment to the Postmaster General, from Time to Time make Arrangements with Coalmasters, Ironmasters, and Traders generally upon the Company's System for the Erection and working of private Telegraphs between Coalpits, Ironworks, Factories, Warehouses, and Offices in connexion with the Stations of the Company, or over their Line; but such Telegraphs shall be used for the Transaction of private Business only, and no Money Payment shall be made or received in respect thereof except by way of annual Rent or Payment for Wayleave and other Accommodation:

(9.) Except as aforesaid, the Railway Company shall not transmit or permit the Transmission of any Telegraphic Message through their Wires:

(10.) All Matters of Difference between the Postmaster General and Railway Companies arising under this Act shall be settled by Arbitration, in conformity with the Enactments of "The Railway Companies Arbitration Act, 1859," with respect to the Settlement of Disputes by Arbitration; and the Provisions of that Act with respect to Arbitration shall for these Purposes be incorporated with this Act:

(11.) Notwithstanding anything specified in this Act or in any Agreement by this Act confirmed, the Umpire to be appointed in any Arbitration between the Postmaster General and any Railway Company shall, in default of Appointment by the Arbitrators, be nominated by the Chief Justice of Her Majesty's Court of Common Pleas at *Westminster* for the Time being.

Application of Sums received by Reuter's Telegraph Company by virtue of Agreement with Postmaster General.

10. The Sums to be received by the Directors of *Reuter's* Telegram Company (Limited) by virtue of the Agreement between the Postmaster General and the Company shall be applied in the first instance in the Payment of the Debts and Liabilities of the Company (if any) other than their current Debts, then in Payment of any Sums which may be voted by a General Meeting of the Shareholders in recognition of the Services conferred upon the Company by any Individuals attached thereto, or which may with the Authority of a General Meeting be deducted and retained for the Purposes of the general Business of the Company, and the Residue shall be distributed by the Directors among the Shareholders according to their several Interests in the Company.

Postmaster General may acquire a Right of Way over the Bridgewater Canal.

11. On such Acquisition of any Undertaking the existing Agreements between the late Duke of *Bridgewater's* Trustees, the late *George Granville Francis Egerton* late Earl of *Ellesmere*, and the *United Kingdom* Telegraph Company (Limited), shall determine, and the Postmaster General shall have such Right of Way for his Poles, Wires, and Telegraphic Apparatus over the whole of the Canal System, and the Property of the said Trustees, in perpetuity as is granted for a Term or Terms of Years by the Provisions of such Agreements, and in consideration thereof he shall pay to the said Trustees such Sum by way of yearly Rent as shall be determined by Agreement, or failing Agreement as shall be fixed by Arbitration as in this Act is provided; and the Arbitrator in determining the Amount to be paid to the said Trustees during the Period of such existing Agreements shall have regard to the said Agreements and to a compulsory Sale of such Right of Way; and the said Trustees shall, as in the said Agreements or either of them mentioned, continue to have in perpetuity the exclusive Use of such isolated and additional and other Telegraphic Wires and Connexions as provided in the said Agreements, or some or One of them; and the Postmaster General shall also transmit to their respective Destinations all Messages of the said Trustees and the Earl of *Ellesmere* respectively, and their respective Agents and Clerks, *bonâ fide* relating to the Business of the said Trust or Undertaking, between any Places in the United Kingdom free of Charge.

Postmaster-General may acquire a Right of Way over the Grand Junction Canal.

12. On such Acquisition as aforesaid the existing Agreements between the Company of Proprietors of the *Grand Junction* Canal and the *United Kingdom* Telegraph Company (Limited) shall determine, and the Postmaster General shall have a perpetual Right of Way for his Poles, Wires, and Telegraphic Apparatus over the whole of the Canal Company's System of Navigation as it now exists, or may hereafter be altered or converted, but so that such Poles, Wires, and Apparatus shall not interfere in any way with the Convenience and working of the Canal or its Alteration from Time to Time, or Conversion in whole or in part into a Railway, or obstruct the working of the Traffic thereon, and in consideration thereof he shall pay to the Canal Company such Sum by way of yearly Rent as shall be determined by Agreement, or failing Agreement as shall be fixed by Arbitration in the Manner in this Act provided with respect to Arbitrations with Railway Companies (for which Purpose the Canal Company shall be held to be a Railway Company); and the Arbitrator in determining the Amount to be paid to the Canal Company shall have regard to the Agreements which subsist between

between the Canal Company and the said Telegraph Company and also to a compulsory Sale being required of such Right of Way; and the Postmaster General shall also transmit to their respective Destinations all Messages of the said Canal Company *bonâ fide* relating to the Business of that Company between any Places in the United Kingdom free of Charge.

Agreements confirmed.

13. Subject to the Provisions of this Act, the several Agreements referred to in the Schedule to this Act are hereby confirmed.

Power to Postmaster General to lease Property.

14. It shall be lawful for Her Majesty's Postmaster General, with the Consent of the Lords Commissioners of Her Majesty's Treasury, from Time to Time to lease any Part or Parts of the Undertaking or Property purchased or acquired by him under the Powers of this Act.

Postmaster General to make Regulations for Conduct of Business, and to fix Charges.

15. The Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may from Time to Time make Regulations for determining the Hours during which the Offices appointed by him to be Places for the Receipt and Despatch of Messages shall be open for the Transaction of Telegraphic Business, and for fixing the Sums to be from Time to Time paid for the Transmission of Messages, and for Services rendered in connexion therewith, and for the general Conduct of Telegraphic Business: Provided always,

(1.) That the Charges for the Transmission of Messages throughout the United Kingdom shall uniformly and without regard to Distance be at a Rate not exceeding One Shilling for the first Twenty Words of each Message, or Part of Twenty Words, and not exceeding Threepence for each additional Five Words or Part of Five Words:

(2.) That the Names and Addresses of the Senders and Receivers of Messages shall not be counted as Part of the Words for which Payment shall be required:

(3.) That the Sums charged for the Transmission of Messages shall be held to cover the Costs of Delivery by special Foot Messenger, within the Limit of One Mile of the Terminal Telegraphic Office, or within the Limit of the Town Postal Delivery of that Office, when it is a Head Post Office, and the Town Postal Delivery extends for more than a Mile from it:

(4.) That when the Addressee does not reside within the above-described Limits, and the Sender desires to have his Message delivered by special Foot Messenger, the Charge to him for Porterage by such special Messenger shall not exceed Sixpence *per* double Mile, or any Part thereof, beyond such Limits:

(5.) That when the Addressee does not reside within the above-described Limits, and the Sender does not desire to incur the Cost of special Delivery, his Message shall be delivered free of extra Charge by the ordinary Postal Delivery next following on the Arrival of his Message at the Terminal Telegraphic Office.

Power to Postmaster General to enter into special Agreements with Proprietors of Newspapers.

16. Notwithstanding anything in this Act, it shall be lawful for the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to make Contracts, Agreements, and Arrangements with the Proprietor or Publisher of any public registered Newspaper, or the Proprietor or Occupier of any News Room, Club, or Exchange Room, for the Transmission and Delivery, or the Transmission or Delivery of Telegraphic Communications at Rates not exceeding One Shilling for every Hundred Words transmitted between the Hours of Six p.m. and Nine a.m., and at Rates not exceeding One Shilling for every Seventy-five Words transmitted between the Hours of Nine a.m. and Six p.m. to a single Address, with an additional Charge of Twopence for every Hundred Words, or Twopence for every Seventy-five Words, as the Case may be, of the same Telegraphic Communication so transmitted to every additional Address: Provided always, that the Postmaster General may from Time to Time, with the like Consent, let to any such Proprietor, Publisher, or Occupier the special Use of a Wire (during such Period of Twelve Hours *per Diem* as may be agreed on) for the Purposes of such Newspaper, News Room, Club, or Exchange Room, at a Rate not exceeding Five hundred Pounds *per Annum:* Provided also, that no such Proprietor, Publisher, or Occupier shall have any undue Priority or Preference in respect of such Rates over any other such Proprietor, Publisher, or Occupier.

Messages having Priority to be specially marked.

17. Every Telegraph Message which, by virtue of the Provisions of "The Telegraph Act, 1863," or any other Act, shall have Priority in order of Transmission over any other Message intrusted to the Postmaster General for Transmission, shall have the Word "Priority" specially stamped or marked thereon by the Secretary of State, the Board of Trade, or other Department of Her Majesty's Government sending the same; and every Message so stamped or marked shall be retained by the Postmaster General for a Period of not less than Twelve Calendar Months from the Date thereof.

Payments to be made by means of Stamps.

18. The Payments to the Postmaster General for the Transmission of Telegraphic Messages from one Place to another within the United Kingdom shall (except for Porterage) be made in all Cases by means of Stamps, and the Postmaster General shall cause a proper

proper Supply of Stamps and stamped Paper to be prepared for that Purpose, and kept for Sale to the Public at such of the Offices under his Control as he may think fit to appoint for that Purpose.

Power to appoint Offices for depositing Messages.

19. Besides appointing Offices to be Places for the Transmission of Messages by means of the Electric Telegraph, the Postmaster General may, if he think fit, appoint Offices or Pillar Letter Boxes to be Places of Deposit for Messages, and the Messages deposited therein shall, provided they be written on stamped Paper of the proper Value, or on Paper having Stamps of the proper Value affixed thereto, be conveyed to the Offices of Transmission without extra Charge, at such Times as the ordinary Collections of Post Letters are made from the aforesaid Places of Deposit, and shall forthwith be despatched by Telegraph from the Offices of Transmission.

Punishment for disclosing or intercepting Messages.

20. Any Person having official Duties connected with the Post Office, or acting on behalf of the Postmaster General, who shall, contrary to his Duty, disclose or in any way make known or intercept the Contents or any Part of the Contents of any Telegraphic Messages or any Message intrusted to the Postmaster General for the Purpose of Transmission, shall, in *England* and in *Ireland*, be guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and shall upon Conviction be subject to Imprisonment for a Term not exceeding Twelve Calendar Months; and the Postmaster General shall make Regulations to carry out the Intentions of this Section, and to prevent the improper Use by any Person in his Employment or acting on his Behalf of any Knowledge he may acquire of the Contents of any Telegraphic Message.

Property in Telegraphic Messages to be laid in Postmaster General.

21. In every Case where an Offence shall be committed in respect of a Telegraphic Message sent by or intrusted to the Postmaster General, it shall be lawful and sufficient, in the Indictment or Criminal Letters to be preferred against the Offender, to lay the Property of such Telegraphic Message in Her Majesty's Postmaster General, without specifying any further or other Name, Addition, or Description whatsoever, and it shall not be necessary in the Indictment or Criminal Letters to allege or to prove upon the Trial or otherwise that the Telegraphic Message was of any Value; and in any Indictment or in any Criminal Letters to be preferred against any Person employed under the Post Office for any Offence committed under this Act it shall be lawful and sufficient to state and allege that such Offender was employed under the Post Office at the Time of the committing of such Offence, without stating further the Nature or Particulars of his Employment.

22. All

Postmaster General to pay Rates, &c.

22. All Land, Property, and Undertakings purchased or acquired by the Postmaster General under this Act shall be assessable and rateable in respect to Local, Municipal, and Parochial Rates, Assessments, and Charges at Sums not exceeding the rateable Value at which such Land, Property, and Undertakings were properly assessed or assessable at the Time of such Purchase or Acquisition.

Copies of Regulations to be laid before Parliament.

23. Copies of all Contracts, Agreements, and Arrangements from Time to Time made under the Authority of this Act shall be laid before both Houses of Parliament within Fourteen Days of the Commencement of the Session next succeeding the making of every such Contract, Agreement, and Arrangement; and Copies of all Regulations from Time to Time made under the Authority of this Act shall be laid before both Houses of Parliament within Fourteen Days from the Date thereof if Parliament be then sitting, and if not sitting then within Fourteen Days from the next re-assembling of Parliament, and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act.

Provision as to Payment of Costs to Railway and Telegraph Companies if Objects of Act not carried out.

24. In case no Act shall be passed during this or the next Session of Parliament, putting at the Disposal of the Postmaster General such Monies as shall be requisite for carrying into effect the Objects and Purposes of this Act, the Provisions contained in this Act or in the Agreements hereby confirmed relating to the Arrangements with Railway and Telegraph Companies, and all Proceedings thereunder, shall become void, and the Postmaster General shall thereupon pay to the several Companies mentioned in such Clauses or Agreements all reasonable Costs and Expenses (if any) properly incurred by them respectively in relation to any Proceedings taken under this Act.

SCHEDULE to which the foregoing Act refers.

1. An Agreement between Her Majesty's Postmaster General and the Great Western Railway Company, dated the 9th Day of July 1868.

2. An Agreement between Her Majesty's Postmaster General and the London and South-western Railway Company, dated the 10th Day of July 1868.

3. An Agreement between Her Majesty's Postmaster General and the London, Chatham, and Dover Railway Company, dated the 9th Day of July 1868.

4. An Agreement between Her Majesty's Postmaster General and the South-eastern Railway Company, dated the 14th Day of July 1868.

5. An Agreement between Her Majesty's Postmaster General and the North-eastern Railway Company, dated the 8th Day of July 1868.

6. An Agreement between Her Majesty's Postmaster General and the Bristol and Exeter Railway Company, dated the 9th Day of July 1868.

7. An Agreement between Her Majesty's Postmaster General and the Submarine Telegraph Company between Great Britain and the Continent of Europe and the Submarine Telegraph Company between France and England (Société and Carmichael and Company), dated the 11th Day of July 1868.

8. An Agreement between Her Majesty's Postmaster General and Reuter's Telegram Company (Limited), dated the 14th Day of July 1868.

9. Agreement between Her Majesty's Postmaster General and the Atlantic Telegraph Company and Anglo-American Telegraph Company (Limited), dated the 8th Day of July 1868.

10. An Agreement between Her Majesty's Postmaster General and the North British Railway Company, dated the 16th Day of July 1868.

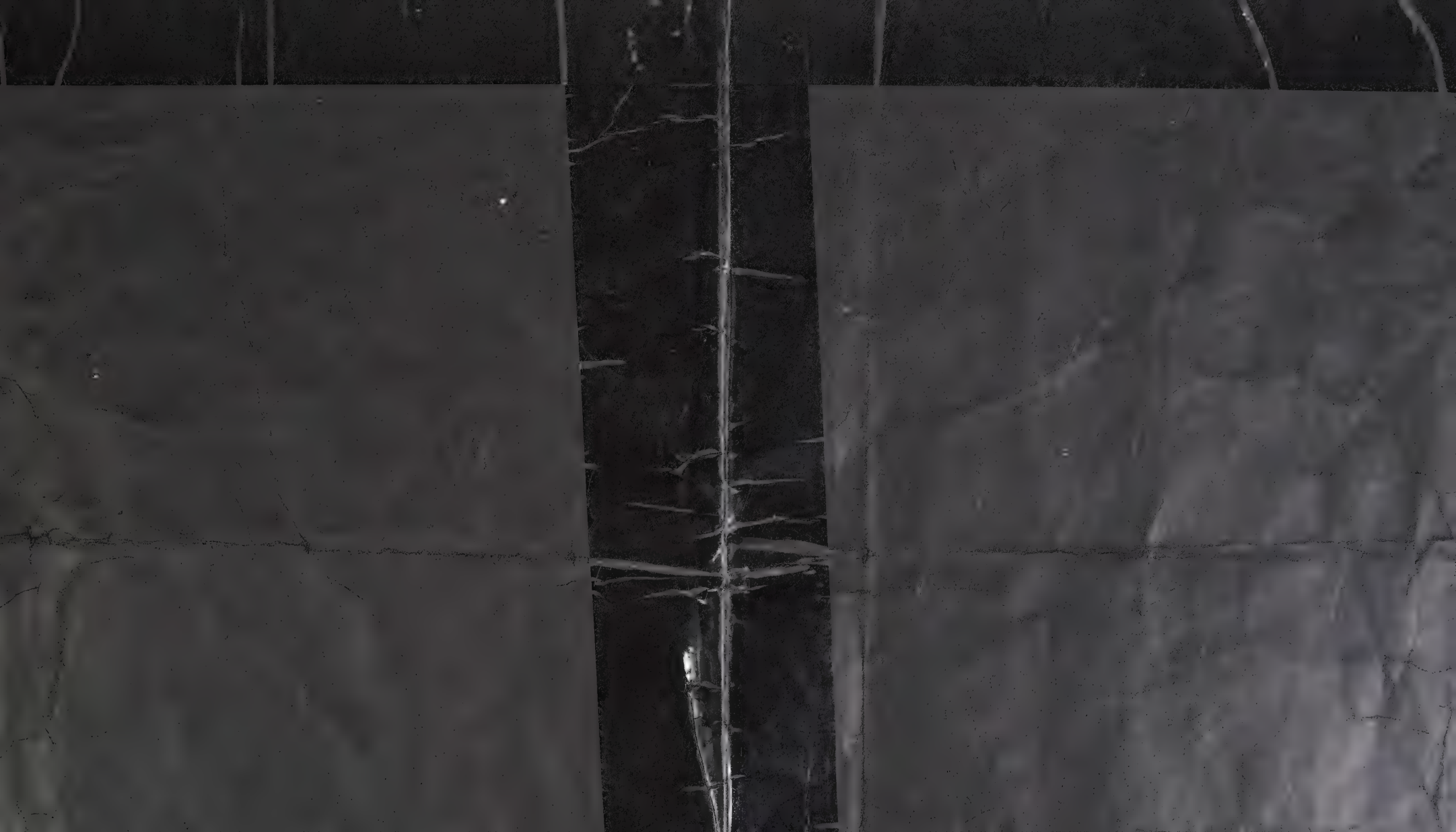
11. An Agreement between Her Majesty's Postmaster General and the Caledonian Railway Company, dated the 16th Day of July 1868.

Electric Telegraphs.

12. Articles of Agreement between Her Majesty's Postmaster General and the Universal Private Telegraph Company (Limited), dated the 14th Day of July 1868.

13. Heads of Agreement between Her Majesty's Postmaster General and the London and Provincial Telegraph Company (Limited), dated the 16th Day of July 1868.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXI.

An Act to continue various expiring Laws.

[31st *July* 1868.]

WHEREAS the several Acts mentioned in the First Column of the Schedule hereto are wholly, or as to certain Provisions thereof, limited to expire at the Times specified in respect of such Acts in the Fourth Column of the said Schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their Duration, for the Times mentioned in respect of such Acts respectively in the Fifth Column of the said Schedule:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as the "Expiring Laws Continuance Act, 1868." Short Title.

2. The Acts mentioned in Column One of the said Schedule, and the Acts, if any, amending the same, shall, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued until the Times respectively specified in respect of such Acts or Provisions in the Fifth Column of the said Schedule. Continuance of Acts in Schedule.

3. Nothing in this Act contained shall revive any Provisions of the Acts mentioned in the said Schedule which are not in force at the Time of the passing of this Act. Not to revive Provisions in certain Acts, &c.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(1) 2 & 3 Vict. c. 74. Oaths, unlawful (Ireland).	11 & 12 Vict. c. 89.	Whole Act	7th July 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	7th July 1869, and End of then next Session.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	- - -	Whole Act -	1st October 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st October 1869, and End of then next Session.
(3) 5 & 6 Vict. c. 123. Lunatic Asylums (Ireland).	- - -	Whole Act -	1st August 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st August 1869, and End of then next Session.
(4) 10 Vict. c. 32. Landed Property Improvement (Ireland).	13 & 14 Vict. c. 31.	As to Powers of Commissioners.	1st January 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st January 1869, and End of then next Session.
(5) 10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to Appointment of Commissioners.	23d July 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	23d July 1869, and End of then next Session.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to Provisions continued by 21 & 22 Vict. c. 50.	1st of August 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st August 1869, and End of then next Session.
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st August 1869, and End of then next Session.
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases Act.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. (Ireland.) 29 & 30 Vict. c. 15.	Whole Act -	20th August 1868, and End of then next Session. (30 & 31 Vict. c. 125.)	20th August 1869, and End of then next Session.
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1867, and End of then next Session. (30 & 31 Vict. c. 143.)	1st January 1869, and End of then next Session.
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	26 & 27 Vict. c. 29.	Whole Act -	8th June 1868, and End of then next Session. (26 & 27 Vict. c. 29.)	8th June 1869, and End of then next Session.

Expiring Laws Continuance.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(11) 17 & 18 Vict. c. 117. Incumbered Estates (West Indies).	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45. 27 & 28 Vict. c. 108.	As to Appointment of Commissioners.	2nd August 1869. (30 & 31 Vict. c. 143.)	2d August 1870.
(12) 19 & 20 Vict. c. 36. Preservation of the Peace (Ireland).	23 & 24 Vict. c. 138. 28 & 29 Vict. c. 118.	Whole Act -	1st July 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st July 1869, and End of then next Session.
(13) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	- - -	As to Appointment of Inspectors, s. 31.	1st October 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st October 1869, and End of then next Session.
	28 & 29 Vict. c. 121.	As to Appointment of the Special Commissioners for English Fisheries.		
(14) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.	As to the Powers of Commissioners, &c.	1st January 1868, and End of then next Session. (29 & 30 Vict. c. 102.)	1st January 1869, and End of then next Session.
(15) 26 & 27 Vict. c. 105. Promissory Notes.	- - -	Whole Act -	28th July 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	28th July 1869, and End of then next Session.
(16) 26 & 27 Vict. c. 114. Salmon Fisheries (Ireland).	- - -	As to Duration of Office of the Special Commissioners for Irish Fisheries, and all Powers, Rights, and Privileges appertaining thereto.	28th July 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st August 1869.
(17) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	- - -	Whole Act -	13th May 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	13th May 1869, and End of then next Session.
(18) 27 & 28 Vict. c. 92. Public Schools.	- - -	Whole Act -	1st August 1868 and End of then next Session. (30 & 31 Vict. c. 143.)	1st August 1869, and End of then next Session.
(19) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	- - -	Whole Act -	1st October 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st October 1869, and End of then next Session.

Expiring Laws Continuance.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(20) 28 & 29 Vict. c. 83. Locomotives on Roads.	- - -	Whole Act -	1st September 1868, and End of then next Session. (30 & 31 Vict. c. 143.)	1st September 1869, and End of then next Session.
(21) 29 & 30 Vict. c. 2. "The Cattle Diseases Prevention Act."	29 & 30 Vict. c. 110. 30 & 31 Vict. c. 125.	The whole Act -	20th August 1868, and End of then next Session. (30 & 31 Vict. c. 125.)	20th August 1869, and End of then next Session.
(22) 29 & 30 Vict. c. 121. (Extradition Treaties Act Amendment).	- - -	Whole Act -	1st September 1868 - (30 & 31 Vict. c. 143.)	1st September 1869, and End of then next Session.
(23) 30 & 31 Vict. c. 141. Master and Servant.	- - -	Whole Act -	20th August 1868, and End of then next Session. (30 & 31 Vict. c. 141.)	20th August 1869, and End of then next Session.

LONDON :—Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXII.

An Act to amend the Law of Registration in *Ireland*. [31st *July* 1868.]

WHEREAS it is expedient to make special Provision for the Completion of the Registration of Parliamentary Electors during the present Year, and to amend the Law relating to the Registration of Parliamentary Electors in *Ireland*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Definition of "Principal Act." (13 & 14 Vict. c. 69.)

1. "Principal Act" in this Act means the Act passed in the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, intituled *An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in* Ireland, *and to alter the Law for rating immediate Lessors of Premises to the Poor Rate in certain Boroughs*, as amended by "The Representation of the People (*Ireland*) Act, 1868."

2. This

Application of Act.

2. This Act shall apply to *Ireland* only.

Short Title.

3. This Act may be cited for all Purposes as the "Registration Amendment (*Ireland*) Act, 1868."

PART I.

Registration of Parliamentary Voters in 1868.

In Counties.

Precepts and Lists to be printed, and Clerk of Peace to send his Precept to Clerks of Unions, together with Copies of Forms.

4. For the Purpose of forming a Register in the Year One thousand eight hundred and sixty-eight of all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament for the several Counties in *Ireland* in respect of the Franchises conferred by "The Representation of the People (*Ireland*) Act, 1868," the Clerk of the Peace for every County shall cause a sufficient Number of Forms of Precepts, Notices, and Lists to be printed as required, according to the respective Forms (numbered 1, 2, 4,) in the Schedule (A.) and of the Table in the Schedule (C.) to this Act annexed, and shall also, on or before the Fourth Day of *August* in the Year One thousand eight hundred and sixty-eight, make and cause to be delivered to the Clerk of every Poor Law Union situate wholly or in part within his County his Precept according to the Form (numbered 1.) in the said Schedule (A.), and One or more of the Forms (numbered 2.) in the said Schedule.

Clerks of Union to make out and transmit Lists.

5. The Clerk of each Poor Law Union wholly or in part within the Limits of any County in *Ireland* shall, on or before the Eighth Day of *August* in the Year One thousand eight hundred and sixty-eight, make out and transmit to the Clerk of the Peace of each County into which any Part of such Union extends a List or Return for each Barony or Division of a Barony of such County situate within such Union of every Male Person of full Age who shall be rated in the last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* jointly with any other Person or Persons as the Occupier of any Lands, Tenements, or Hereditaments situate in such Barony or Division of a Barony, and within such Union, of a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of Twelve Pounds or upwards, and also a List or Return of every Male Person of full Age who shall have been rated in the said Rate as the Occupier of Lands,

Lands, Tenements, or Hereditaments of a net annual Value of Twelve Pounds or upwards where the Premises in respect of which he shall have been so rated shall not have been the same Premises but different Premises occupied in immediate Succession, excluding nevertheless from such Return every Occupier who shall not, on or before the First Day of *July* in the Year One thousand eight hundred and sixty-eight, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the First Day of *January* then last, and such Return shall be in the Form and shall contain the Particulars mentioned in the Form (numbered 2.) in the Schedule (A.) to this Act annexed; and each such Clerk of a Union, after due Inquiry, which he is required to make, with the Assistance of the respective Collector or Collectors of Poor Rates for such respective Barony or Division of a Barony (and which Assistance such Collector or Collectors is and are hereby required to give for such Purpose), shall and is hereby required to add by a Stamp or in Writing in the Margin of such Return the Word "objected" to the Name of any Person inserted in such Return in case such Clerk of the Union shall have reasonable Cause to believe such Person not to be or to have ceased to be an Occupier as aforesaid of the Lands, Tenements, or Hereditaments in respect of which he shall have been so rated, or not to have been such Occupier as aforesaid during the whole Period of Twelve Calendar Months next previous to the Twentieth Day of *July* in the Year One thousand eight hundred and sixty-eight; and such Clerk of the Union shall also in like Manner add the Word "objected" or "dead" before the Name of any Person in such Return if such Clerk of the Union shall have reasonable Cause to believe that such Person is not entitled to have his Name on the Register of Voters then next to be made for such County, or is dead, as the Case may be; and such Return shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct, according to the best of his Belief, by an Oath or Declaration to be made or taken by him before some Justice of the Peace in and for the said County within which such Lands are situate, or the County in which the Union Workhouse is situate, and which Oath or Declaration any such Justice is hereby authorized and required to administer or take.

Clerk of the Peace in Year 1868 to publish Special List, and to make Objections.

6. The Clerk of the Peace of every County in *Ireland* shall, on or before the Seventeenth Day of *August* in the Year One thousand eight hundred and sixty-eight frame a Special List of rated Occupiers for every Barony of such County, according to the Form (numbered 3.) in the said Schedule (A.) to this Act annexed, of every such Male Person of full Age as shall appear on the Return

Return or the Returns as aforesaid transmitted to him by the Clerk of the Union, or (in case of a Barony being situate in more than One Union) by the Clerks of such Unions, together with the marginal Objections added by the Clerk of the Union to the Names of any Persons included in such Special List; and such Clerk of the Peace shall also add, by a Stamp or in Writing, the Word "objected" or "dead" in the Margin of the said List, if such Clerk of the Peace shall, after due Inquiry, (which he is hereby required to make by himself or a sufficient Deputy, and having regard also to and inserting any Objections to the Name of any such Person entered in the said Clerk of the Union's Return,) have reasonable Cause to believe that such Person is not entitled to have his Name on the Register next to be made, or is dead, as the Case may be; and the Clerk of the Peace shall cause a sufficient Number of Copies of such List, with all such marginal Additions as aforesaid, to be written or printed, and shall, on or before the said Seventeenth Day of *August*, sign and publish the same in such respective Barony, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the Time last aforesaid) a Copy of such List, with all the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sundays*, during the first Four Days after the same shall have been published, and shall deliver written or printed Copies of such List, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate mentioned in the said Schedule (C.) to this Act annexed.

Clerks of Peace to give Notice requiring Voters to claim.

7. The Clerk of the Peace of every County in *Ireland* shall, on or before the Seventeenth Day of *August* in the Year One thousand eight hundred and sixty-eight, publish a Notice in each Barony according to the Form (numbered 4.) in the said Schedule (A.), having first signed the same, requiring all Persons entitled to be inserted in the Register and vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of the Franchises conferred by "The Representation of the People (*Ireland*) Act, 1868," who shall not be upon the said Special List for such Barony of Voters under this Act, and who are respectively desirous to have their Names inserted in the Register about to be made under this Act, to deliver or send to him at his Office, on or before the Twentieth Day of *August* in the Year One thousand eight hundred and sixty-eight, a Notice in Writing, by them signed, of their Claim to vote as aforesaid.

8. The

Clerks of Peace to prepare Lists of Claimants, make Objections, &c.

8. The Clerk of the Peace of every County in *Ireland* shall, on or before the Twenty-fourth Day of *August* in the Year One thousand eight hundred and sixty-eight, make out, according to the Form (numbered 6.) in the said Schedule (A.), a Special List in alphabetical Order for each Barony of all Persons who on or before the Twentieth Day of *August* in the said Year shall have claimed as aforesaid for such Barony; and in every such List the Christian Name and Surname of every such Claimant, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, shall be written as the same are stated in the Claim; and the said Clerk of the Peace, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register for such Barony then next to be made, shall add, by a Stamp or in Writing, the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; and the Clerk of the Peace shall cause a sufficient Number of Copies of such List of Claimants in each Barony, with all such marginal Additions as aforesaid, to be written or printed, and shall sign and publish the same in such Barony to which the same relates, and shall likewise keep at some Police Station or other House within such respective Barony (giving due Notice of such Police Station or House at the respective Times last aforesaid) a Copy of such List of Claimants, with the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Four Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate mentioned in the said Schedule (C.) to this Act annexed.

Persons empowered to object.

Notice of Objection.

9. Every Person whose Name shall have been inserted in any List of Voters for the Time being for any such County, or in such Special Lists, may object to any other Person upon any Special List of Voters or Special List of Claimants for such County under this Act as not having been entitled, under the Provisions of this Act, to have his Name inserted in such Special List of Voters or Claimants for such County under this Act; and every Person so objecting (save and except Clerks of the Peace and Clerks of the Union objecting in the Manner herein-before mentioned) shall, on or before the Twenty-eighth Day of *August* in the Year One thousand eight hundred and sixty-eight, give or cause to be given to the Clerk of the Peace of the County a Notice according to the Form (numbered 7.) in the said Schedule (A.), or to the like Effect; and the Person so

objecting shall, on or before the said Twenty-eighth Day of *August*, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form (numbered 8.) in the said Schedule (A.), or to the like Effect; and every such Notice of Objection shall be signed by the Party so objecting as aforesaid.

Clerk of the Peace to make out and publish a List of Persons objected to.

10. The Clerk of the Peace shall include the Names of all Persons against whom Notice of Objection shall have been so given to him as aforesaid in a Special List for each Barony, according to the Form (numbered 9.) in the said Schedule (A.), and shall publish such List in such Barony on or before the Thirty-first Day of *August* in the Year One thousand eight hundred and sixty-eight, and shall also keep at some Police Station or other House in such respective Barony (giving due Notice of such Police Station or House at the Time of Publication last aforesaid) a Copy of such List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Four Days after such List shall have been so published, and shall deliver a Copy of such List to any Person requiring the same, on Payment of a Price for each Copy after the Rate mentioned in the Schedule (C.) to this Act annexed: Provided also, that the Clerk of the Peace shall in due Time for the Purposes aforesaid cause to be printed or provided a sufficient Number of Notices of Claim according to the Form (No. 5.) and of the Notices of Objection according to the Forms (No. 7. and 8.) in the said Schedule (A.) or to the like Effect, and shall give a Copy thereof, without Cost or Charge, to any Person applying for the same in order to make a Claim or Objection.

In Cities, Towns, and Boroughs.

Precept, Forms, and printed Lists to be delivered by the Clerk of the Peace to Town Clerk.

11. For the Purpose of forming a Register in the Year One thousand eight hundred and sixty-eight of all Persons entitled under the Provisions of "The Representation of the People (*Ireland*) Act, 1868," to vote in the Election of a Member or Members to serve in Parliament for the several Cities, Towns, and Boroughs in *Ireland* in respect of the Occupation of any Lands, Tenements, or Hereditaments situate within such City, Town, or Borough of a net annual Value of less than Eight Pounds and more than Four Pounds, or in respect of the Occupation of Lodgings, the Clerk of the Peace of or acting in or for every such City, Town, or Borough shall cause a sufficient Number of Forms of Notices and Lists to be printed according to the respective Forms (numbered

bered 2, 6, 7, 8, 9, and 10) in the Schedule (B.) and of the Table in the said Schedule (C.) to this Act annexed, and shall also, on or before the Fourth Day of *August* in the Year One thousand eight hundred and sixty-eight, make and cause to be delivered to the Town Clerk of every such City, Town, or Borough his Precept in Writing according to the Form (numbered 1.) in the said Schedule (B.), and also a sufficient Number of the said printed Forms of Notices and Lists and of the said Table.

Town Clerks empowered to inspect Rate Books, and obtain List of Defaulters.

12. The Town Clerk of every such City, Town, or Borough, for his Assistance in making out the List of Voters as herein-after mentioned, upon Request made by him at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Fourth Day of *August* and the Twentieth Day of *August* in the Year One thousand eight hundred and sixty-eight, to any Collector of Poor Rates, or to any other Officer having the Custody of any Book relating to the same, shall have free Liberty to inspect the same, and to extract such Particulars as may appear to such Town Clerk to be necessary; and

Poor Rate Collector to deliver to Town Clerk List of Defaulters, if required.

every Collector of Poor Rates of Premises within such City, Town, or Borough, or Officer having the Custody of the Rate Books relating to the same, shall (if required by the Town Clerk), within Four Days after the Fourth Day of *August* in the Year One thousand eight hundred and sixty-eight, make out and deliver to the said Town Clerk a List containing the Name and Place of Abode of every Person who shall not have paid on or before the First Day of *July* in the Year One thousand eight hundred and sixty-eight all such Rates within the Collection of such Collector as aforesaid which shall have become payable by him (if any) in respect of the Occupation of any Lands, Tenements, or Hereditaments in such City, Town, or Borough, describing such Premises, previously to the First Day of *January* in the said Year; and the Town Clerk

Town Clerk to keep List, to be open to Inspection, without Fee.

shall keep the said List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock of the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Four Days after the List of Voters shall have been published as herein-after mentioned.

Clerks of Unions to transmit to Town Clerk Lists of Persons rated as Occupiers of Premises of full

13. The Clerk of every Poor Law Union comprising the whole or any Part of any City, Town, or Borough in *Ireland* returning a Member or Members to serve in Parliament shall, on or before the Eighth Day of *August* in the Year One thousand eight hundred and sixty-eight, make out and transmit to the Town Clerk of each such City, Town, or Borough a Special List of every Male Person of

an annual Value less than 8*l.* and more than 4*l.*

full Age who shall be rated or whose Name shall appear in the last Rate made under the Acts for the more effectual Relief of the destitute Poor in *Ireland* as the Occupier of any Lands, Tenements, or Hereditaments situate within such City, Town, or Borough of a net annual Value of less than Eight Pounds and more than Four Pounds, and of every such Person as last aforesaid who shall be rated in the last Rate made under the said Acts jointly with any other Person or Persons as the Occupier of any such Lands, Tenements, or Hereditaments, situated as aforesaid, of a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of more than Four Pounds and less than Eight Pounds, excluding nevertheless from such List every such Occupier and every such joint Occupier in any such City, Town, or Borough who shall not on or before the First Day of *July* in the Year One thousand eight hundred and sixty-eight have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the First Day of *January* then last; and such Lists shall be in the Form and shall contain the Particulars mentioned in Form (numbered 2.) in the Schedule (B.) to this Act annexed; and such Lists shall be signed by such respective Clerk of the Union, and shall be verified by him as true and correct according to the best of his Belief by an Oath or Declaration to be taken or made by him before some Justice of the Peace acting in and for the said City, Town, or Borough, or the County in which the Union Workhouse is situate, and which Oath or Declaration any such Justice is hereby authorized and required to administer or take.

Town Clerk to make out Lists of Persons entitled to vote.

14. The Town Clerk of every such City, Town, or Borough shall, on or before the Seventeenth Day of *August* in the Year One thousand eight hundred and sixty-eight, make out or cause to be made out a Special List in alphabetical Order, according to the Form (numbered 3.) in the Schedule (B.) to this Act annexed, of all Male Persons of full Age whose Names shall appear on any Special Lists transmitted to him by the Clerk of any Union under the Provisions of this Act as the Occupier, or One of several joint Occupiers, of Lands, Tenements, or Hereditaments situate within such City, Town, or Borough of the net annual Value of less than Eight Pounds and more than Four Pounds, and (in the Case of joint Occupiers) of the net annual Value of more than Four Pounds and less than Eight Pounds for each of such joint Occupiers as aforesaid: Provided always, that such Town Clerk shall omit from the said List all such Persons as shall not have paid on or before the First Day of *July* in the Year

Year One thousand eight hundred and sixty-eight all Poor Rates payable by them severally, if any, in respect of such Lands, Tenements, or Hereditaments, previously to the First Day of *January* in the said Year, and shall add, by a Stamp or in Writing, the Word "objected" to the Name of any Person inserted in such List in case such Town Clerk shall have reasonable Cause to believe such Person not to be or to have ceased to be Occupier or joint Occupier as aforesaid of the Premises in respect of which he shall have been rated, or not to have been such Occupier or joint Occupier for the Space of Twelve Calendar Months next previous to the said last-mentioned Day in the said Year; and such Town Clerk shall also in like Manner add the Word "objected" or "dead" before the Name of any Person inserted in such List in case such Town Clerk shall have reasonable Cause to believe that such Person is not entitled to have his Name on the Register of Voters to be made for such City, Town, or Borough, or is dead, as the Case may be; and in the said List the Christian Name and Surname of every such Person shall be written at full Length, together with the Name of the Street, Lane, and the Number of the House (if any), or other Description of the Place, where the Lands, Tenements, or Hereditaments of which he is the Occupier or joint Occupier may be situate; and the said Town Clerk shall sign such List, and shall forthwith cause a sufficient Number of Copies of the same, with all such marginal Additions, to be written or printed, and shall publish Copies of the said Lists on or before the Nineteenth Day of *August* in the Year One thousand eight hundred and sixty-eight, and shall likewise keep a Copy of each of the said Lists to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Four Days after such Lists shall have been so published, and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate mentioned in the Schedule (C.) to this Act annexed.

Lists when signed to be published and sold.

15. Every Person whose Name shall have been omitted in any such Special List of Voters for any such City, Town, or Borough so to be made out as aforesaid, and who shall claim, under the Provisions of Section Twenty of the Representation of the People (*Ireland*) Act, 1868, or otherwise, as having been entitled to have his Name inserted therein under the Provisions of this Act, shall on or before the Twenty-second Day of *August* in the Year One thousand eight hundred and sixty-eight give or cause to be given to the Town Clerk of such City, Town, or Borough a Notice according to the Form (numbered 6.) in the said Schedule (B.), or to the like Effect, and the Town Clerk shall include the Names of all Persons so claiming as aforesaid in a Special List according

Persons omitted from Lists of Voters may claim, and Lists of Claimants to be made and published, and sold.

according to the Form (numbered 4.) in the said Schedule (B.); and in every such List the Christian Name and Surname of every Claimant, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, shall be inserted as the same are stated in the Claim; and the said Town Clerk, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register then next to be made, shall add as aforesaid the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; and the Town Clerk shall cause a sufficient Number of Copies of such Lists of Claimants, with all such marginal Additions as aforesaid, to be written or printed, and shall on or before the Twenty-fifth Day of *August* in the Year One thousand eight hundred and sixty-eight sign and publish the same, and shall likewise keep Copies of such Lists of Claimants, with the marginal Additions as aforesaid, signed by him, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Four Days after the same shall have been published, and shall deliver written or printed Copies thereof, signed by him, to all Persons applying for the same, on Payment of a Price for each Copy after the Rate mentioned in the said Schedule (C.) to this Act annexed.

Extension of Time for Claims by Lodgers and Publication.

16. The Times limited by Section Five of the Representation of the People (*Ireland*) Act, 1868, for sending in Claims by Lodgers, and for the Publication of the Particulars of such Claims, shall in the Year One thousand eight hundred and sixty-eight be respectively extended to the Twenty-second Day of *August* and Twenty-fifth Day of *August*, instead of the Days in said Section respectively mentioned.

Registered Voters and Claimants may inspect Rate Books.

17. It shall be lawful for any Person whose Name shall have been inserted in any List of Voters, or who shall have claimed to have his Name inserted in any List under the Provisions of this Act, upon Request made by any such Person at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, between the Nineteenth Day of *August* and the First Day of *September* in the Year One thousand eight hundred and sixty-eight, to any Collector of Poor Rate or other Officer having the Custody of any Book relating to the same, to inspect the same, and make Extracts therefrom, for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every such Collector or other Officer as aforesaid is hereby required, upon such Request as aforesaid, to permit such Inspection and the making such Extracts, without Payment of any Fee.

18. Every

Who may object.

18. Every Person whose Name shall have been inserted in any List of Voters for any such City, Town, or Borough, or in such Special Lists, may object to any Person as not having been entitled to have his Name inserted in any Special List of Voters or Special List of Claimants for the same City, Town, or Borough under this Act; and every Person so objecting (save and except Town Clerks objecting in the Manner herein-before mentioned) shall on or before the First Day of *September* in the Year One thousand eight hundred and sixty-eight give or cause to be given a Notice according to the Form (numbered 7.) in the said Schedule (B.), or to the like Effect, to the Town Clerk of such City, Town, or Borough; and every Person so objecting shall also, on or before the said First Day of *September* in the Year One thousand eight hundred and sixty-eight, give or cause to be left at the Place of Abode of the Person objected to, as stated in the said List, a Notice according to the Form (numbered 8.) in the said Schedule (B.); and every Notice of Objection shall be signed by the Person objecting.

Notice of Objection shall be given.

Lists of Persons objected to shall be made and published, and sold.

19. The said Town Clerk shall include the Names of all Persons so objected to in a Special List according to the Form (numbered 5.) in the said Schedule (B.), and shall sign the said List, and cause Copies thereof to be written or printed, and shall publish the said List of Persons objected to as aforesaid on or before the Fourth Day of *September* in the Year One thousand eight hundred and sixty-eight, and shall keep Copies of the said List, and shall allow the same, and also the Notices of Objection which they shall have received, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except *Sunday*, during the first Four Days after such Lists shall have been published, and shall deliver Copies of each of such Lists to any Person requiring the same, on Payment of a Price for each Copy after the Rate mentioned in the Schedule (C.) to this Act annexed.

Where Boundaries of Borough altered Voters to be included in Special Lists.

20. Where, under the Provisions of Section Nine of "The Representation of the People (*Ireland*) Act, 1868," the Boundaries of any Borough are altered, the Special Lists by this Act directed to be formed in the Year One thousand eight hundred and sixty-eight shall, as regards such Borough, include the Names of the Persons who, by reason of such Alteration, have become entitled to vote at any Election of a Member or Members to serve in Parliament for such Borough; and all Precepts, Proceedings, Notices, Claims, Objections, and Special Lists relating to such Borough under the Provisions of this Act shall be framed in such Manner and Form as may be necessary for carrying the Provisions of this Section into effect.

21. The

Town Clerk shall deliver Copies of Lists to the Clerk of the Peace.

21. The said Town Clerk shall, on or before the Fifth Day of *September* in the Year One thousand eight hundred and sixty-eight, deliver to the Clerk of the Peace of or acting in or for such City, Town, or Borough Copies of the said Special List of Voters, made out by him as aforesaid, with the marginal Additions as aforesaid, and a Copy of the said Special List of Persons who shall have claimed as aforesaid, and a Copy of the said Special List of Persons objected to as aforesaid, respectively signed by him.

General Provisions.

Abstracts of Lists to be transmitted to Assistant Barristers empowered to revise them.

22. The Clerk of the Peace of every County in *Ireland* shall, as soon as possible after the Fifth and before the Eighth Day of *September* One thousand eight hundred and sixty-eight, transmit to the Chairman of such County, or any Riding thereof, an Abstract of the said several Special Lists published by him in pursuance of the Provisions of this Act; and the Clerk of the Peace of or acting in or for every City, Town, or Borough in *Ireland* shall, as soon as possible after the Fifth and before the Eighth Day of *September* in the Year One thousand eight hundred and sixty-eight, transmit an Abstract of the said several Special Lists published by him in pursuance of the Provisions of this Act to the Chairman or the Revising Barrister or Barristers having Jurisdiction for the Registry of Voters for such City, Town, or Borough, in order that the Revision of such Lists in Counties, Cities, Towns, and Boroughs respectively may take place within the Time by this Act prescribed.

Courts of Revision to be held between 8th September and 6th October.

23. The Forty-sixth and Forty-seventh Sections of the Principal Act relating to the holding of Courts for the Revision of the Lists of Voters for Counties and for Cities, Towns, and Boroughs shall, as regards the Courts to be held for the Purposes aforesaid in the Year One thousand eight hundred and sixty-eight, be read as if the Words "Sixth Day of *October*" were substituted in those Sections respectively for the Words "Twenty-fifth Day of *October*," and at such Courts the Special Lists by this Act directed to be made out shall be revised in addition to the other Lists prepared under the said Principal Act, and shall be deemed to be Part of the same; and all the Provisions of the said Principal Act shall apply thereto, save as is herein otherwise provided.

Alteration as to Time for Delivery of Lists and Commencement of Register of Voters.

24. The Sixty-third and Sixty-fourth Sections of the Principal Act relating to the Transmission and Delivery of the Book or Books containing the Lists of Voters to the Sheriff and Returning Officer shall, as regards the Register to be formed in the Year One thousand eight hundred and sixty-eight, be read as if the Words "First Day of *November*" were substituted in those Sections for the Words "last Day of *November*," and the said Book or Books shall

shall be the Register of Persons entitled to vote for the County, City, Town, or Borough to which such Register relates at any Election which takes place between the First Day of *November* One thousand eight hundred and sixty-eight and the First Day of *January* One thousand eight hundred and seventy.

List of Voters for University of Dublin.

25. In the Month of *October* in the Year One thousand eight hundred and sixty-eight the Registrar of the University of *Dublin* shall make out an alphabetical List of the Names of the Electors entitled to vote at any Election for Members to serve in Parliament for the said University; and the said Registrar shall cause Copies of such List to be printed on or before the First Day of *November* in the Year One thousand eight hundred and sixty-eight, and shall give a Copy of such List to any Elector applying for the same, upon being paid Two Shillings and Sixpence for each Copy.

Expenses of Chairman or Revising Barrister.

26. There shall be paid to any Chairman or Revising Barrister, for any Expenses which he shall incur in the Year One thousand eight hundred and sixty-eight by reason of the Provisions of this Act, such Sum, not exceeding the Sum of Twenty-five Pounds, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct; and every such Sum shall be paid by the Commissioners of Her Majesty's Treasury out of Monies provided by Parliament.

Remuneration to Clerks of Peace, &c. for additional Duties.

27. By way of Remuneration for the additional Duties imposed by this Act in the Year One thousand eight hundred and sixty-eight there shall be paid to the Clerks of the Peace, Town Clerks, and Clerks of Unions such Sums respectively as the Chairman, or Barrister or Barristers revising the Lists of Parliamentary Electors in respect of which such additional Duties shall have been performed, shall award and certify, and all such Sums shall be paid by the Commissioners of Her Majesty's Treasury out of Monies provided by Parliament.

Power to Lord Lieutenant to appoint Revising Barristers in certain Cases.

28. In case it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that from any Cause the Lists of Voters in the Year One thousand eight hundred and sixty-eight for any County, City, Town, or Borough in *Ireland* cannot be revised by the Chairman or Revising Barrister or Barristers within the Period directed by this Act, he may appoint One or more Barrister or Barristers of not less than Ten Years Standing to act together with such Chairman, Revising Barrister or Barristers, in such Revision; and such Barrister or Barristers so appointed shall have the same Powers and Authorities in every respect in regard to such Revision as such Chairman, Revising Barrister or

Barristers; and every Barrister so appointed shall be paid such Sum in consideration of the Duties performed by him as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint and the Commissioners of Her Majesty's Treasury shall approve, and such Monies shall be paid by the said Commissioners out of Monies provided by Parliament.

Power to Lord Lieutenant to appoint Deputy for Revising Barristers in City of Dublin.

29. In case it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that either of the Revising Barristers for the City of *Dublin* cannot, from any reasonable Cause, conveniently discharge his Duties in the Revision of the Lists of Voters in the Year One thousand eight hundred and sixty-eight, he may appoint a Barrister of not less than Ten Years Standing to act as Deputy for either of the said Revising Barristers; and such Barrister so appointed to do the Duty of either of such Revising Barristers shall have all and every the Powers and Authorities of such Revising Barrister so long as he shall act as his Deputy; and there shall be paid in the said Year One thousand eight hundred and sixty-eight to such Barrister acting as such Deputy as aforesaid, instead of to such Revising Barrister, the Salary prescribed by Section One of the Act of the Twenty-fourth and Twenty-fifth Years of *Victoria*, Chapter Fifty-six.

"Last Rate;"

"Town Clerk;"

Service of Notice of Objection.

30. The Words "the last Rate" in Part I. of this Act shall be deemed to mean the Rate referred to in the Precepts of the Clerks of the Peace issued in the Year One thousand eight hundred and sixty-eight, under the Sixteenth and Twenty-ninth Sections respectively of the Principal Act, to the several Clerks of the Unions and the Town Clerks in *Ireland* respectively; the Term "Town Clerk" in the said Part I. shall be deemed to mean the Person to whom in the aforesaid Year the Precept issued under the Twenty-ninth Section of the Principal Act was addressed; and the Service of Notices of Objection and other Notices may be made in the Manner prescribed by the Principal Act in that Behalf.

PART II.

Amendment of Law as to Registration.

Lists to be made out in alphabetical Order.

31. In Counties, Cities, Towns, and Boroughs the Lists to be made out and transmitted by the Clerks of Poor Law Unions under the Provisions of the Principal Act, and in the County of the City of *Dublin* the List to be made out and transmitted by the Collector General of Rates under Section Twenty-one of "The Representation of the People (*Ireland*) Act, 1868," shall, in the Year One thousand eight hundred and sixty-nine, and in every succeeding Year, be respectively made out in alphabetical Order.

32. The

Alteration as to Time for Delivery of Lists and Commencement of Register of Voters.

32. The Sixty-third and Sixty-fourth Sections of the Principal Act, relating to the Transmission and Delivery of the Book or Books containing the Lists of Voters to the Sheriff and Returning Officer, shall, as regards the Register to be formed in the Year One thousand eight hundred and sixty-nine, and in every succeeding Year, be read as if the Word "*December*" were substituted in those Sections for the Word "*November*," and the said Book or Books shall be the Register of Persons entitled to vote for the County, City, Town, or Borough to which such Register relates at any Election which takes place during the Year commencing on the First Day of *January* next after such Register is made.

No Payment in future required for Registration of Electors in University of Dublin.

33. Every Person who has heretofore obtained or who shall hereafter obtain a Fellowship or Scholarship, or the Degree of Master of Arts, or any higher Degree, not of a purely honorary Nature, in the University of *Dublin*, and who shall be desirous of having his Name placed or retained on the Books of the said University for the Purpose of voting at any Election of Members to serve in Parliament for the Borough of the University of *Dublin*, under the Provisions of Section Four of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Seventy-four, may require the Registrar of the said University to place or retain his Name upon the Books of the said University without any Payment whatsoever, anything in the said Section to the contrary notwithstanding: Provided always, that no Person shall be entitled to vote at any Election of a Member or Members to serve in Parliament for the said Borough of the University of *Dublin* unless his Name shall have been upon the Books of the said University for a Period not less than Two Months previous to such Election.

Registrar to make out alphabetical List of Electors.

34. In the Month of *December* in the Year One thousand eight hundred and sixty-nine, and in every succeeding Year, the Registrar of the said University of *Dublin* shall make out an alphabetical List of the Names of the Electors entitled to vote at any Election for Members to serve in Parliament for the said University; and the said Registrar shall cause Copies of such List to be printed on or before the First Day of *January* in the Year One thousand eight hundred and seventy, and in every succeeding Year, and shall give a Copy of such List to any Elector applying for the same, upon being paid Two Shillings and Sixpence for each Copy; and the said Registrar shall each Year publish a Copy of such List in the University Calendar, when such Calendar shall be published, or in some One or more of the public Journals having general Circulation in *Ireland*.

Copies of List to be printed.

35. No

Occupiers not to be registered as Lodgers.

35. No Person duly rated as Occupier of any House or Premises shall be registered as a Lodger therein.

Amendment of Law respecting Registration of Lodgers.

36. Notwithstanding anything contained in the Fifth Section of "The Representation of the People (*Ireland*) Act, 1868," the Names of the Persons on whom a Right to vote for a Member or Members to serve in Parliament for any City, Town, or Borough in respect of the Occupation of Lodgings is conferred by the said Act shall, in the Lists and Register of Voters for such City, Town, or Borough made in accordance with the Provisions of the Principal Act, appear in a separate List.

Evidence to support Claim.

37. From and after the passing of this Act no Person claiming to be entitled to vote at any Election for a Member or Members to serve in Parliament for any County, City, Town, or Borough in *Ireland* shall be registered by any Chairman or Revising Barrister, unless Evidence be given to prove such Claim.

PART III.

Miscellaneous.

Amendment of 25 & 26 Vict. c. 92. as to Elections in Counties.

38. Whereas by the Act of the Session of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Ninety-two, Section One, it is enacted, that from and after the passing of that Act any such Special Court as is therein mentioned for the Purpose of the Election of a Member or Members to serve in Parliament for any County in *Ireland* shall be holden on any Day (*Sunday*, *Good Friday*, and *Christmas Day* excepted) not later from the Day of making such Proclamation than the Twelfth Day, nor sooner than the Sixth Day: Provided that that Section shall not apply to the Election for any County of a City or of a Town: Be it enacted, That the said Section shall be read as if the Words "Fourth Day" were substituted for "Sixth Day."

Power to adjourn Courts of Revision.

39. In case it shall so happen that the Chairman of the County, from any Cause, shall not be in attendance to open any Revision Court appointed to be held for any County, District, or Borough on the Day appointed for opening the same, or, after having opened the same, shall not continue his Attendance until the Business of such Revision Court shall be completed, it shall be lawful for the Clerk of the Peace of the County, or his Deputy, at the Expiration of Two Hours from the Time fixed for the opening of the said Revision Court, or from the Discontinuance of such Attendance as aforesaid, and not before, to open and adjourn or to adjourn such Revision Court, and from Time to Time to adjourn the

the same for such reasonable Time as shall be sufficient for the said Chairman to commence the Business of the said Revision Court, or to continue the Sittings of the same, or in case of the Death, Illness, or continued Absence of the said Chairman, for such reasonable Time as shall be sufficient for the Chancellor for the Time being or Keeper or Commissioner of the Great Seal in *Ireland* to be informed of such Death, Illness, or Absence, and to appoint some other Person to do the Duty of the said Revision Court, and for such Person to repair to the Place where such Revision Court should be held, and to take upon himself the Execution of the said Duty.

Words in this Act and Principal Act to have same Meanings.

40. The Words and Expressions to which by the Principal Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; and in the Construction of the Representation of the People (*Ireland*) Act, 1868, and also of this Act, the Word "Borough" shall include City and Town.

SCHEDULES.

SCHEDULE (A.)

Forms.

No. 1.

SPECIAL PRECEPT OF THE CLERK OF THE PEACE TO THE CLERK OF THE UNION IN THE YEAR 1868.

County of , Barony of .

To the Clerk of the Union of .

In pursuance of the Provisions of "The Registration Amendment (Ireland) Act, 1868," I require your Attention to the following Instructions; that is to say, On or before the Eighth Day of August next you are to make out, and transmit to me, a Special List of every Male Person of full Age who shall be rated in the last Rate, as the same is defined in Section Thirty of the said Act, made for the Relief of the Poor as the Occupier of any Lands, Tenements, or Hereditaments situate within your Union, and in the said Barony, or in your Division of the said Barony, (*as the Case may be,*) jointly with any other Person or Persons, of a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of Twelve Pounds or upwards; and you are also to

insert in such List the Names of every Male Person of full Age who shall have been rated in the said last Rate made for the Relief of the Poor as the Occupier of Lands, Tenements, or Hereditaments of a net annual Value of Twelve Pounds or upwards where the said Premises shall not have been the same Premises, but different Premises occupied in immediate Succession during the Twelve Calendar Months next previous to the Twentieth Day of July One thousand eight hundred and sixty-eight, but you are to exclude nevertheless from such Special List every such Occupier who shall not, on or before the First Day of July in this Year, have paid all Poor Rates (if any) which shall have become payable by him in respect of such Premises previously to the First Day of January last; and you are required, after due Inquiry, which you are required to make, with the Assistance of the respective Collectors of Poor Rates as aforesaid, to enter Objections, by adding in the Margin the Word "objected" or "dead" (*as the Case may be*) before the Names of Persons in such Special List contained, and not entitled to be on the Register next to be made, and such Special List shall be in the Form and shall contain the Particulars mentioned in the Form (Number 2.) herewith sent; and such List shall be signed by you, and shall be verified by you as true and correct, according to the best of your Belief, by an Oath or Declaration to be made or taken by you before some Justice of the Peace for the said County within which such Lands are situate, or the County in which your Union Workhouse is situate, and which Oath any such Justice is authorized and required to administer or take, and to certify at the Foot of such List the taking of such Oath or the making of such Declaration.

You are required to allow to any Person on the Lists of Voters of the County, or in this Special List, Inspection of the Rate Books, and to make Extracts therefrom during the Periods prescribed by the said Act.

You, or a sufficient Deputy to be appointed by you, are or is to attend the Court to be holden by the Chairman of the Sessions for the County of in which the said Barony lies (of the Time and Place of holding which Notice will be sent to you), and there to have for the Inspection of the Chairman holding such Court the Rate Books or Copies of the Parts thereof relating to Premises within the said Barony, or your Division thereof.

Herein if you fail you will be liable to the Penalties in that Case provided.

Given under my Hand, this Day of .

A.B.,

Clerk of the Peace for the County of .

No. 2.

No. 2.

[*To be used in the Year 1868.*]

County of , Barony of .

Clerk of Union's Special Return, for the Year 1868, of Male Persons rated in the last Rate under the Acts for the Relief of the destitute Poor, as the Occupiers, jointly with any other Person or Persons, of Lands, Tenements, or Hereditaments rated separately or together at a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of Twelve Pounds or upwards, and of such Male Persons rated in the said Rate, under the said Acts, as Occupiers of Lands, Tenements, or Hereditaments of the net annual Value of Twelve Pounds or upwards where the said last-mentioned Premises shall not have been the same Premises, but different Premises occupied in immediate Succession during the Twelve Calendar Months previous to the Twentieth Day of July One thousand eight hundred and sixty-eight, situate in the Barony of , being Part of the Poor Law Union of , and all which Occupiers have on or before the First Day of July One thousand eight hundred and sixty-eight paid all Poor Rates (if any) which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the First Day of January One thousand eight hundred and sixty-eight.

Column for entering the Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Townland or Denomination, and Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 18 .

(Signed) *A.B.*,
Clerk of the Union of .

Verified on Oath or by Declaration by the said *A.B.* before me, a Justice of the Peace for the County of .

(Signed) *C.D.*, Justice.

No. 3.

No. 3.

County of , Barony of .

Special List in the Year 1868.

Clerk of the Peace's Special List of Male Persons rated under the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers, jointly with any other Person or Persons, of Lands, Tenements, or Hereditaments rated separately or together at a net annual Value of such an Amount as when divided by the Number of Occupiers would give to each such Occupier a net annual Value of Twelve Pounds or upwards, and of such Male Persons rated in the said Rate, under the said Acts, as Occupiers of Lands, Tenements, or Hereditaments of the net annual Value of Twelve Pounds or upwards where the said last-mentioned Premises shall not have been the same Premises, but different Premises occupied in immediate Succession during the Twelve Calendar Months previous to the Twentieth Day of July One thousand eight hundred and sixty-eight, and situate in the Barony of being Part of the Poor Law Union of , and all which Occupiers have on or before the First Day of July One thousand eight hundred and sixty-eight paid all Poor Rates, if any, which have become payable by them respectively out of such respective Lands, Tenements, or Hereditaments previously to the First Day of January One thousand eight hundred and sixty-eight.

Column for entering Clerk of the Union's Objections.	Rated Occupier's Christian Name and Surname at full Length.	Place of Abode.	Townland or Denomination, and Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 1868.

(Signed) *A.B.*,
Clerk of the Peace of the County of .

No. 4.

No. 4.

NOTICE TO BE GIVEN BY THE CLERK OF THE PEACE AS TO CLAIMS TO VOTE.

County of .

I hereby give Notice, That all Persons entitled to vote in the Election of a Knight or Knights of the Shire for the County of in respect of Premises situate wholly or in part within any Barony of this County who shall not be on the Special List of Ratepayers for such Barony, and are not upon the Register of Voters now in force (relating to such Barony), and who are desirous to have their Names inserted in the Register of Voters about to be made for the said County under the Provisions of the Registration Amendment (Ireland) Act, 1868, are hereby required to give or send to me at my Office, on or before the Twentieth Day of August in this Year, a Notice in Writing, by them signed, in which their Name and Surname at full Length, their Place of Abode, and the Particulars of their Qualification, must be legibly written, according to the Form (No. 5.) hereunder set forth.*

Dated this Day of in the Year 1868.

(Signed) *A.B.*,
Clerk of the Peace of the County of .

No. 5.

FORM OF NOTICE OF CLAIM TO BE INSERTED ON SPECIAL LIST TO BE GIVEN TO THE CLERK OF THE PEACE IN THE YEAR 1868.

Barony of .

To the Clerk of the Peace of the County of .

I hereby give you Notice, That I claim to be inserted in the Special List for this Barony of Voters for the County of , and that the Particulars of my Place of Abode and Qualification are stated in the Columns below.

Dated the Day of in the Year 1868.

(Signed) *A.B.*

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property.

* Note.—The Form (No. 5.) should be annexed to this Notice.

No. 6.

County of , Barony of , to wit.

The Special List of Persons under the Provisions of "The Representation of the People (Ireland) Act, 1868," in the Year One thousand eight hundred and sixty-eight, claiming to be entitled to vote in the Election of a Knight [*or* Knights] of the Shire for the County of in respect of Property situate wholly or in part within the Barony of .

Margin for entering Clerk of the Peace's Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any) where the Property is situate, or Name of the Property.

(Signed) *A.B.*,
Clerk of the Peace of the said County.

No. 7.

NOTICE OF OBJECTION TO BE GIVEN TO THE CLERK OF THE PEACE.

Barony of .

To the Clerk of the Peace of the County of .

I hereby give you Notice, That I object to the Name of the Person mentioned and described below being retained in the Special List for this Barony of Voters for the County of .

Christian and Surname of the Person objected to as described in the Special List.	Place of Abode, as described.	Nature of Qualification as described.	Townland or Denomination, Street, Lane, or other like Place, where the qualifying Property is situate, &c., as described in the Special List.

Dated the Day of in the Year .

(Signed) *A.B.* [*Place of Abode.*]

No. 8.

No. 8.

NOTICE OF OBJECTION TO BE GIVEN TO PARTIES OBJECTED TO BY ANY PERSON OTHER THAN THE CLERK OF THE PEACE OR CLERK OF THE UNION.

Barony of .

To Mr. of .

Take notice, That I object to your Name being retained in the Special List for this Barony of Voters for the County of .

Dated this Day of One thousand eight hundred and sixty-eight.

(Signed) *A.B.*, of [*Place of Abode,*]
being now registered [*or* on the Register of Voters, *or* List of Voters, or Special List of Voters, *as the Case may be,*] for the County of .

No. 9.

LIST OF PERSONS OBJECTED TO IN THE YEAR 1868, TO BE PUBLISHED BY THE CLERK OF THE PEACE.

County of Barony of .

The following Persons have been objected to, as not being entitled to have their Names retained in the Special List for this Barony of Voters for the County of .

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Townland or Denomination, Street, Lane, or other like Place in this Barony, and Number of House (if any), where the Property is situate, or Name of the Property.

(Signed) *A.B.*,
Clerk of the Peace of the County of .

SCHE-

SCHEDULE (B.)

Forms.

No. 1.

SPECIAL PRECEPT OF THE CLERK OF THE PEACE TO THE TOWN CLERK.

City [*or* Town *or* Borough] of in the County of , to wit.

To the Town Clerk &c. of the City [*or* of *or* in the Town *or* Borough] of .

In pursuance of the Provisions of the Registration Amendment (Ireland) Act, 1868, I require your Attention to the following Instructions:

On or before the Seventeenth Day of August you are to make out a Special List in alphabetical Order, according to the Form (numbered 3.) herewith sent, of all such Male Persons of full Age as shall appear on the List transmitted to you by the Clerk of the Union in this Year as the Occupier, or One of several joint Occupiers, of Lands, Tenements, or Hereditaments situate within this City [Town *or* Borough] of the net annual Value of less than Eight Pounds and more than Four Pounds [*or*, in the Case of joint Occupiers, more than Four Pounds and less than Eight Pounds for each such joint Occupier].

You are to omit from the said List all such Persons as shall not have paid, on or before the First Day of July 1868, all Poor Rates payable by them severally, if any, in respect of such Premises previously to the First Day of January 1868.

You are to add, with a Stamp or in Writing, the Word "objected" to the Name of any Person inserted in the said List (marked No. 2.) in case you shall have reasonable Cause to believe such Person not to be, or to have ceased to be, Occupier or joint Occupier of the Premises in respect of which he shall have been rated, or not to have been such Occupier or joint Occupier for the Space of Twelve Calendar Months next previous to such Twentieth Day of July; and in the said List to be made out by you the Christian Name and Surname of every such Person must be written at full Length, together with the Place of his Abode and the Nature of his Qualification; and the Name of the Street, Lane, and the Number of the House (if any), or other Description of the Place where such Property may be situate, shall be specified in the List; and you shall

shall sign the said List, and shall forthwith cause a sufficient Number of Copies of the said List, with all such marginal Additions, to be written or printed.

You are to publish, in the Manner by the Principal Act directed with regard to Notices, Copies of the said List, signed by you, on or before the Nineteenth Day of August, and you are likewise to keep a Copy of each of the said Lists, signed by you, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Four Days after such Lists shall have been so published, and you are to deliver Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table herewith sent.

You are, on or before the Twenty-fifth Day of August, to make out and to publish in manner aforesaid a Special List, according to the Form numbered 4, containing the Name of every Person who shall have given or have caused to be given to you, on or before the Twenty-second Day of August, his Claim to have his Name inserted in the Special List; but if you have reasonable Cause to believe that any Person whose Name shall appear in such List of Claimants is not entitled to have his Name upon the Register then next to be made, you are to add in like Manner the Word "objected" before the Name of every such Person on the Margin of such List of Claimants; you are also to make out another Special List, according to the Form numbered 5, containing the Name of every Person against whom a Notice of Objection shall have been given to you, on or before the First Day of September, as not being entitled to have his Name retained in the Special List for your City [*or* Town *or* Borough]; and on or before the Fourth Day of September you are to sign each of such last-mentioned Special Lists, and publish the same on some public and conspicuous Situation on the Outside of the outer Door or on the outer Wall near the Door of the Town Hall, or if there be no Town Hall, then on such other Place as aforesaid in the same Manner as before mentioned with regard to the Notices.

You are to keep a Copy of these Special Lists, signed by you, and you are to allow the same, and also the Notices of Objection, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during the first Four Days after the said Lists shall have been published, and you are to deliver a Copy of each of such Lists to any Person requiring the same, on the Payment of a Price for each Copy after the Rate contained in the Table herewith sent.

If you shall find that any such Notice, List, or other Document published by you as aforesaid has been destroyed, mutilated, effaced, or removed, you are forthwith to place another in its Room to the same Effect.

On or before the Fifth Day of September you are to deliver to me Copies of the said Special List of Voters so made out by you, with the marginal Additions as aforesaid, Copies of the Special List of Claimants, and Copies of the Special List of Persons objected to, so respectively made out and signed as aforesaid.

You are to attend the Court to be holden for the Revision of the List of Voters for your City [*or* Town *or* Borough], of the Time of holding which due Notice will be given; and at the opening of such Court you are there to deliver to the Chairman of the Sessions for the County, *or* Revising Barrister, before whom the same shall be holden, the several Lists made out by you, with the marginal Additions as aforesaid, and signed by you, and the original Notices of Objection and the original Notices of Claims given to you, together with the List transmitted to you by the Clerk of the Union.

Herein if you fail you will be liable to the Penalties in that Case provided. Given under my Hand this Day of One thousand eight hundred and .

(Signed) *A.B.* { Clerk of the Peace of or acting in or for the City [*or* Town *or* Borough] of

No. 2.

No. 2.

Clerk of Union's Special List, for the Year 1868, of Male Persons rated or whose Names shall appear in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of less than Eight Pounds and more than Four Pounds, and situate in the City [*or* Town *or* Borough] of being Part of the Poor Law Union of (or, in the Case of joint Occupiers, rated at a net annual Value of such an Amount as, when divided by the Number of such Occupiers, would give to each a net annual Value of less than Eight Pounds and more than Four Pounds); excluding from this List all such Occupiers as have not on or before the First Day of July 1868 paid all Poor Rates, if any, which have become payable by them respectively out of such respective Premises previously to the First Day of January 1868.

Christian Name and Surname at full Length.	Place of Abode.	Name or Description of Premises rated.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 1868.

(Signed) *A.B.*
Clerk of the Union of .

Verified on Oath, or by Declaration, by the said *A.B.* before me, a Justice of the Peace for the of .

(Signed) *C.D.*, Justice.

No. 3.

No. 3.

Special List of Male Persons entitled to vote in the Election of a Member [*or* Members] to serve in Parliament for the City [*or* Town *or* Borough] of as being Persons rated or whose Names shall appear in the last Rate under the Acts for the Relief of the destitute Poor as the Occupiers of Lands, Tenements, and Hereditaments rated separately or together at the net annual Value of less than Eight Pounds and more than Four Pounds, and situate in the City [*or* Town *or* Borough] of , being Part of the Poor Law Union of (or, in the Case of joint Occupiers, rated at a net annual Value of such an Amount as, when divided by the Number of such Occupiers, would give to each a net annual Value of less than Eight Pounds and more than Four Pounds), all which Persons aforesaid have, on or before the First Day of July 1868, paid all Poor Rates, if any, which have become payable by them respectively out of such respective Premises previously to the First Day of January 1868.

Margin for entering Town Clerk's Objections.	Christian Name and Surname at full Length.	Place of Abode.	Nature of Qualification.	Name or Description of Premises rated. Street, Lane, or other like Place in this City [*or* Town *or* Borough], and Number of the House (if any), where the Property is situate.	Rated Value of Premises.

I certify that this is a correct List. Dated this Day of 18 .

(Signed) *A.B.* {Town Clerk for the City [*or* Town *or* Borough] of .

No. 4.

No. 4.

SPECIAL LIST, FOR THE YEAR 1868, OF CLAIMANTS, TO BE PUBLISHED BY THE TOWN CLERK.

The following Persons claim to have their Names inserted in the Special List of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of being Occupiers of Lands, Tenements, or Hereditaments rated separately or together at the net annual Value of less than Eight Pounds and more than Four Pounds within the said City [*or* Town *or* Borough].

Column for entering Town Clerk's Objections.	Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this City [*or* Borough] where the Property is situate, and Number of the House (if any).

(Signed) *A.B.*
Town Clerk of the City [*or* Town *or* Borough] of

No. 5.

SPECIAL LIST, FOR THE YEAR 1868, OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE TOWN CLERK.

The following Persons have been objected to as not being entitled to have their Names retained in the Special List of Persons qualified to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of in respect of being Occupiers of Lands, Tenements, or Hereditaments rated separately or together at a net annual Value of less than Eight Pounds and more than Four Pounds within the said City [*or* Town *or* Borough], or in respect of the Occupation of Lodgings.

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place in the Parish where the Property is situate, and Number of the House (if any).

(Signed) *A.B.*
Town Clerk of the City [*or* Town *or* Borough] of

No. 6.

NOTICE OF CLAIM.

To the Town Clerk of the City [*or* Town *or* Borough] of

I hereby give you Notice, That I claim to have my Name inserted in the Special List made by you of Persons entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of , and that the Particulars of my Qualification and Place of Abode are stated in the Columns below.

Dated the Day of One thousand eight hundred and sixty-eight.

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place in the City [*or* Town *or* Borough] where the Property is situate, and Number of the House (if any).

(Signed) *A.B.*

No. 7.

NOTICE OF OBJECTION.

To the Town Clerk of the City [*or* Town *or* Borough] of

I hereby give you Notice, That I object to the Name of being retained on the Special List, or on the List of Lodgers as a Person entitled to vote in the Election of a Member [*or* Members] for the City [*or* Town *or* Borough] of .

Dated this Day of .

(Signed) *A.B.* of [*Place of Abode*],

on the List of Voters for the City [*or* Town *or* Borough] of

No. 8.

FORM OF NOTICE OF OBJECTION TO BE GIVEN TO PARTIES OBJECTED TO.

To Mr. .

I hereby give you Notice, That I object to your Name being retained on the Special List, or on the List of Lodgers as a Person entitled to vote in the Election of Members [*or* a Member] for the City [*or* Town *or* Borough] of .

Dated this Day of .

(Signed) *A.B.* of [*Place of Abode*],

on the List of Voters or Special List for the City [*or* Town *or* Borough] of .

FORM No. 9.

Claim of Lodger.

City, Town, *or* Borough of

To the Town Clerk of the City, Town, *or* Borough of

I hereby claim to be inserted in the List of Voters in respect of the Occupation of the under-mentioned Lodgings, and the Particulars of my Qualification are stated in the Columns below.

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I, the above-named hereby declare that I have been during the Twelve Months immediately preceding the Twentieth Day of July in this Year the Occupier as sole Tenant of the above-mentioned Lodgings, and that I have resided therein during the Twelve Months immediately preceding the said Twentieth Day of July, and that such Lodgings are of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards.

Dated the Day of

Signature of Claimant -

Witness to the Signature of the said }
And I certify my Belief in the Accuracy of the above Claim. }

Name of Witness - - -

Residence and Calling - -

[This Claim must bear Date after the Twenty-first Day of July, and must be delivered to the Town Clerk on or before the Twenty-second Day of August.]

FORM

FORM No. 10.

List of Claimants in respect of Lodgings to be published by the Town Clerk.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or* Members] for the City, Town, *or* Borough of .

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(Signed) *A.B.*, Town Clerk.

SCHEDULE (C.)

TABLE OF RATES OF PAYMENT TO BE DEMANDED AND PAID FOR ANY LIST OR COPY OF A LIST (OTHER THAN A REGISTER), WHERE A PAYMENT IS REQUIRED AND AUTHORIZED BY THIS ACT.

For any List or Copy of a List containing any Number of Persons Names :

	s.	*d.*
Not exceeding 100 Names - -	0	6
Exceeding 100 and not exceeding 200 -	1	0
Exceeding 200 and not exceeding 300 -	1	6
Exceeding 300 and not exceeding 400 -	2	0
Exceeding 400 - - - -	2	6

LONDON :
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXIII.

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called *Saint James-the-Greater* Chapel, *Blakedown*, in the Parish of *Hagley* in the County of *Worcester*.

[31st *July* 1868.]

WHEREAS the Church or Chapel known as *Saint James-the-Greater* in the Hamlet of *Blakedown* in the County and Diocese of *Worcester* is a Chapel of Ease to the Parish Church of *Hagley* aforesaid, and was on the Twenty-fifth Day of *July* One thousand eight hundred and sixty duly consecrated for the Performance of Divine Service, but no Authority hath ever been given by the Bishop of the said Diocese or otherwise for the Publication of Banns and Solemnization of Marriages therein: And whereas divers Marriages have nevertheless been solemnized in the said Church or Chapel under an erroneous Impression on the Part of the Minister thereof that, by virtue of the Consecration of the said Church or Chapel, or otherwise, Marriages might be lawfully solemnized therein, and Entries of the said Marriages so solemnized have from Time to Time been made in the Register Books kept either at the said Church or Chapel or at the Parish Church of

Hagley aforesaid: And whereas it is expedient, under the Circumstances aforesaid, to remove all Doubts touching the Validity of the Marriages so solemnized in the said Church or Chapel: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages heretofore solemnized in Chapel of St. James-the-Greater to be as valid as those in Hagley Church.

1. All Marriages heretofore solemnized in the said Church or Chapel by the Officiating Minister thereof or by any other Clergyman respectively, being duly ordained Ministers of the Church of *England*, and the Publication of Banns in such Church or Chapel by such Minister or Clergyman previous to any such Marriages, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of *Hagley* aforesaid.

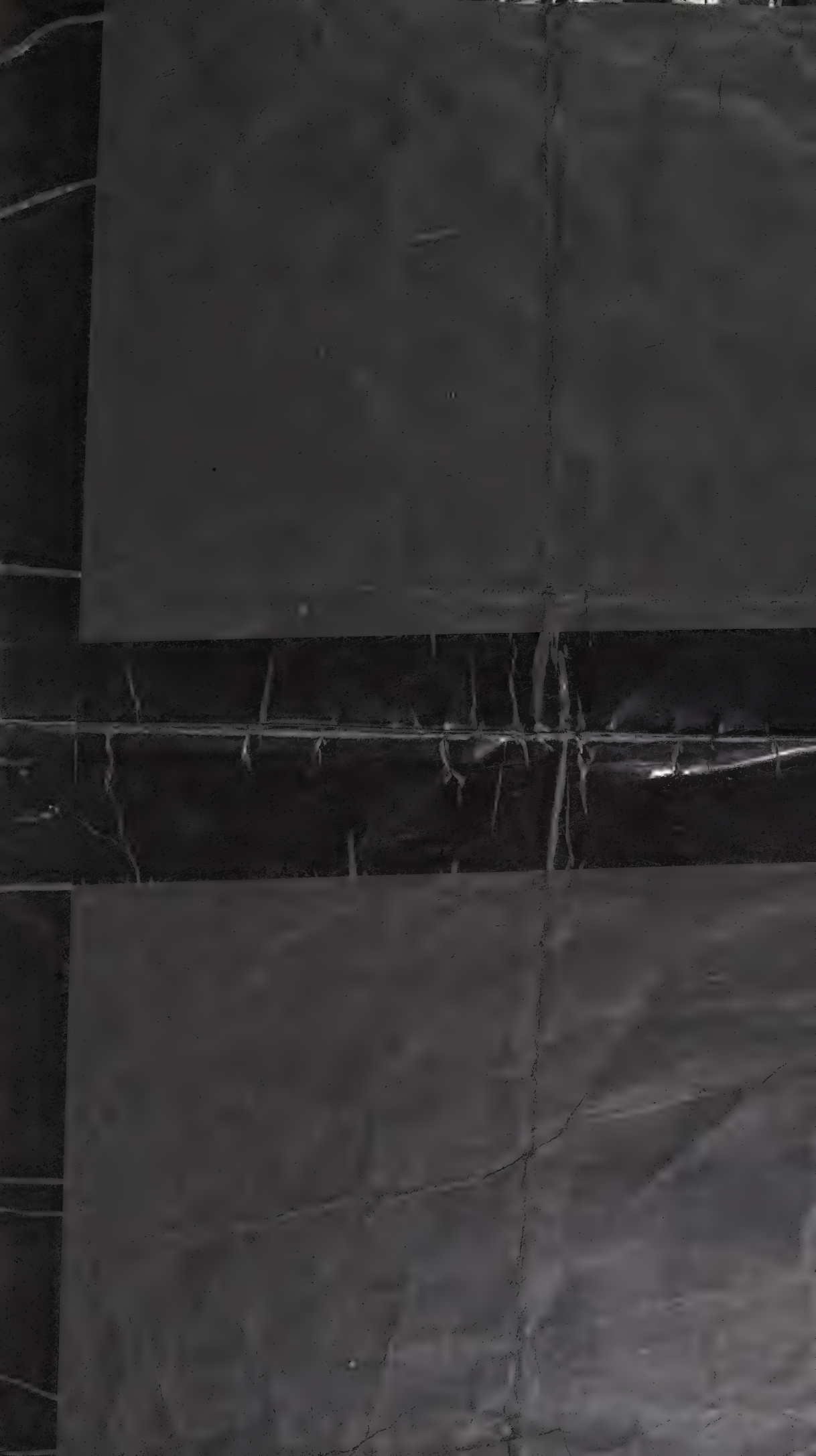
Minister officiating not liable to Censure.

2. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so solemnized the same respectively.

Registers of such Marriages to be Evidence.

3. The Registers of the Marriages so solemnized, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXIV.

An Act to amend the Law relating to the Ecclesiastical Commissioners for *England*.

[31st *July* 1868.]

WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for *England*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Ecclesiastical Commission Act, 1868.

Definition of Property.

2. In this Act the Term "Property" includes all Property, Real, Personal, and Mixed, vested in the Person or Body Corporate with reference to whom the Word is used, or to which such Person or Body is entitled, whether such Property is in possession or in reversion or contingent, or a Thing in Action, or is held in trust for him or them, or is standing in the Name of the Accountant General of the Court of Chancery.

3. The

Objects of Scheme.

3. The Ecclesiastical Commissioners for *England* (in this Act referred to as the Commissioners) may, with the Consent in Writing of any Dean and Chapter in *England* under their Common Seal, and of the Visitor of such Dean and Chapter, from Time to Time lay before Her Majesty in Council Schemes for effecting with respect to the consenting Dean and Chapter all or any of the following Things; namely,

(1.) For transferring to the Commissioners the whole or some specified Part of the Property of the Dean and Chapter (except the Cathedral or Collegiate Church and the Buildings belonging thereto, and any ecclesiastical, educational, or other like Patronage,) for such Consideration, whether consisting of a Money Payment or other Property, or partly one and partly the other, and generally on such Terms, as the Commissioners think fair and reasonable, including the Extinguishment of any Right of the Commissioners to receive any Part of the Income or Property of the Dean and Chapter, or of any Member thereof:

(2.) For transferring Lands to the Dean and Chapter in lieu of any annual Sum payable to them by the Commissioners either under this Act or otherwise:

(3.) For making such incidental Provisions as may be necessary for carrying into effect any of the above-mentioned Objects.

Capital Sum for Fabric.

4. The Commissioners on a Transfer under this Act may set apart as Part of the Consideration a Capital Sum to be expended to the Satisfaction of the Commissioners in substantial Repairs, Restoration, and Improvements of the Cathedral or Collegiate Church and the Buildings belonging thereto.

Order in Council confirming Scheme to be made, &c. under 3 & 4 Vict. c. 113. ss. 84 to 89.

5. The following Sections of the Act of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, "to carry into effect, with certain Modifi- "cations, the Fourth Report of the Commissioners of Ecclesiastical "Duties and Revenues," namely, Sections Eighty-four to Eighty-nine (both inclusive), which relate to the making, publishing, and registering of an Order in Council for ratifying a Scheme, and to the laying the same before Parliament, shall apply to any Scheme made under this Act in the same Manner as if they were herein enacted.

Order to effect Transfer without Conveyance.

6. After the Date of the Publication of an Order in Council ratifying any Scheme made in pursuance of this Act, and without any further

further Conveyance or Act in the Law, the Property expressed to be thereby transferred shall (so far as the same can be vested by this Act) vest in the Transferees and their Successors, and (so far as the same cannot be so vested) shall be deemed to be held in trust for the Transferees and their Successors; and the Transferees and their Successors shall, as far as may be, take the same for the same Estate and Interest and subject to the same Liabilities for and subject to which it was held at the said Date by the Dean and Chapter or the Commissioners, as the Case may be.

Saving of Trusts.

7. Nothing in this Act, or in any Order in Council made thereunder, shall affect the Liability of any Property to any Trust other than a Trust for the Benefit of a Dean and Chapter, or some Member thereof.

Application of transferred Property.

8. All Property transferred to the Commissioners by an Order in Council under this Act shall be held by them in the same Manner, and for the same Purposes, and subject to the same Provisions, as the Property of which the Rents and Profits are to be carried over to their Common Fund, and the Income thereof shall be applied accordingly; and all Property transferred to a Dean and Chapter by an Order in Council under this Act shall be held upon the Trusts and for the Purposes directed by the Order, and subject thereto shall form Part of the Endowment of such Dean and Chapter; and any annual Sum paid to a Dean and Chapter in pursuance of an Order in Council under this Act shall be applied in the Manner in which it would be applicable if it were the Income of Property transferred to the Dean and Chapter.

Leases by Dean or Chapter when re-endowed.

See 23 & 24 Vict. c. 124.

9. After the passing of this Act none of the Dean and Chapters mentioned in the Schedule to an Act of the present Session, Chapter Nineteen, intituled *An Act for declaring valid certain Orders of Her Majesty in Council relating to the Ecclesiastical Commissioners for* England, *and to the Deans and Chapters of certain Churches*, and no Dean and Chapter after the making of any Order in Council respecting them in pursuance of this Act, shall demise any Lands vested in them otherwise than from Year to Year, or for a Term of Years in possession, not exceeding Twenty-one, at the best annual Rent that can be reasonably got without Fine, and shall not make the Lessee dispunishable for or exempt from Liability in respect of Waste; and in every such Lease such or the like Covenants, Conditions, and Reservations shall be entered into, reserved, or contained with or for the Benefit

Benefit of the Dean and Chapter, and their Successors, as under Section One of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Twenty-seven, "for "better enabling Incumbents of Ecclesiastical Benefices to demise "the Lands belonging to their Benefices on Farming Leases," are to be entered into, reserved, or contained with or for the Benefit of the Lessor and his Successors in a Lease granted under that Section, or as near thereto as the Circumstances admit.

5 & 6 Vict. c. 27.

Settlement of Treaty and its Terms may be referred to Arbitration.

10. In all Cases where an Agreement has been or shall be entered into, or a Treaty has been or shall be commenced, or is or shall be pending, between a Dean and Chapter and any of their Lessees, for any Sale and Purchase under the Acts of the Fourteenth and Fifteenth *Victoria*, Chapter One hundred and four, Seventeenth and Eighteenth *Victoria*, Chapter One hundred and sixteen, or Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and twenty-four, and the Capitular Estate is transferred to the Commissioners under the Provisions of this Act, it shall be competent to the Church Estates Commissioners to approve and confirm as heretofore such Agreement, and to continue and bring to a Conclusion and approve such Treaty: Provided always, that in the event of the Church Estates Commissioners declining to approve such Agreement or Treaty, the Ecclesiastical Commissioners shall be bound to purchase the Lessee's Interest, if required by the Lessee, with all the Benefits, as to Arbitration and otherwise, to which Lessees are entitled under the above-mentioned Acts or any of them; and in every Case the Costs of such Arbitration and Award shall be in the Discretion of the said Arbitrators or Umpire, as the Case may be.

This Act or 23 & 24 Vict. c. 124. not to affect Provisions as to Leases, &c. contained in 5 & 6 Vict. c. 108. and 21 & 22 Vict. c. 57.

11. The Provisions contained in this Act, or in the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-four, "further to amend the Acts relating to the Ecclesiastical Com- "missioners, and the Act concerning the Management of Episcopal "and Capitular Estates in *England*," shall not affect any of the Provisions relating to Leases, Appropriations, Sales, or Exchanges contained in the Ecclesiastical Leasing Acts.

Amendment of Law relating to Schemes for

12. Where in pursuance of the Seventy-third Section of the Act of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, and of any Act

Act amending the same, any Scheme has, before or after the passing of this Act, been prepared, transferring or purporting to transfer to any Ecclesiastical Corporation, whether aggregate or sole, or to any Person or Persons, any Advowson or other Estate or Interest in Real or Personal Property, such Scheme, if and when the same has been ratified by Order in Council, shall, without any Deed, Conveyance, or Act in the Law, be effectual for vesting in such Corporation, Person or Persons, any such Advowson or other Interest in Real or Personal Property, and for enabling such Corporation, Person or Persons, to hold the same upon the Trusts and according to the Tenor of such Scheme, any Law or Statute to the contrary notwithstanding. securing the better Performance of Clerical Duties in ill endowed Parishes.

13. The Provisions of this Act with respect to the Property of Deans and Chapters shall apply in the Case of the Property of any Deanery, Canonry, Prebend, Archdeaconry, or Office in any Cathedral or Collegiate Church in *England* in the like Manner, *mutatis mutandis*, as they apply to the Property of a Dean and Chapter. Application of Act to Canonries, &c.

14. Nothing in this Act contained shall affect or apply to the Cathedral or Collegiate Church of *Manchester*, or to "The Parish of *Manchester* Division Act, 1850;" and nothing in this Act contained, except Section Twelve, shall affect or apply to the Cathedral Church of *Christ, Oxford*. Exemption.

15. Section Five of the Act of the Session of the Twenty-ninth and Thirtieth Years of the Reign of Her present Majesty, Chapter One hundred and eleven, intituled *An Act to further amend the Acts relating to the Ecclesiastical Commissioners for* England, shall apply to all Payments, Conveyances, and Appropriations directed or made in pursuance of the Parish of *Manchester* Division Act, 1850, the *Stanhope* and *Wolsingham* Rectories Act, 1858, the *Rochdale* Vicarage Act, 1866, and the *Bishopwearmouth* Rectory Act, 1867, for providing for the Cure of Souls, or for Payments to or Endowments for Incumbents or Ministers, in the same Manner as if such Payments, Conveyances, and Appropriations were the Payments and Conveyances mentioned in the said Section Five, and every Instrument made as provided in that Section shall have Effect as if it were a Scheme ratified by an Order in Council. It shall not be necessary to publish in the *London Gazette* any Map or Plan which for the better Identification of any Property Section 5 of 29 & 30 Vict. c. 111. to apply to all Payments, &c. under 13 & 14 Vict. c. 41., 21 & 22 Vict. c. 58., 29 & 30 Vict. c. 86., and 30 & 31 Vict. c. xxvi.

may be endorsed on or annexed to any Instrument or Grant made or passed in pursuance of the said Fifth Section or of this Section.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXV.

An Act to amend "The Sanitary Act, 1866."

[31st *July* 1868.]

WHEREAS it is expedient to make further Provision for the Removal of Refuse Matter from Dwelling Houses, and to amend the "Sanitary Act, 1866:"

29 & 30 Vict. c. 90.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Sanitary Act, 1868."

Application of Act.

2. This Act shall not extend to *Scotland* or *Ireland*.

Definition of "Sewer Authority."

3. "Sewer Authority" in this Act shall have the same Meaning as it has in the Sewage Utilization Act, 1865.

Power to Sewer Authority in relation to Privies.

4. The following Sections of the Public Health Act, 1848, as amended by any subsequent Act of Parliament, that is to say,

(1.) The Fifty-first Section, requiring every new House and every House pulled down to or below the Ground Floor and rebuilt to have a sufficient Watercloset or Privy and Ashpit;

(2.) And the Fifty-fourth Section as amended by any subsequent Act of Parliament, providing that the Local Board of Health shall see that Drains, Waterclosets, Privies, and Ashpits within their District do not become a Nuisance;

shall extend to the District of every Sewer Authority in which there

there is no Enactment of any Public or Private Act of Parliament to the like Effect in force; and the said Sections when so extended shall be construed in reference to the District of any Sewer Authority as if the Expression "Sewer Authority" were inserted therein in the Place of the Expression "Local Board," and any Officer for the Time being appointed by the Sewer Authority to examine any Premises shall be deemed to be the Surveyor within the Meaning of the said Sections.

Where the Sewer Authority and the Nuisance Authority of a District are different Bodies of Men, the Jurisdiction of the Nuisance Authority shall cease within such District in relation to all Matters within the Purview of the said Sections of the Public Health Act, 1848; and any Sewer Authority to whose District the said Sections are extended making default in enforcing their Provisions shall be subject to Proceedings under the Sanitary Act, 1866, in the same Manner as if it had made default in providing its District with sufficient Sewers.

Power of Sewer Authorities to Sewerage.

5. A Sewer Authority shall within their District have all the Powers vested in a Local Board by the Thirty-second Section of the Local Government Act, 1858, as amended by any subsequent Act of Parliament, so far as relates to—

(1.) The Removal of House Refuse from Premises;

(2.) The cleansing of Privies, Ashpits, and Cesspools;

and the Paragraphs numbered (1), (2), and (3) of the said Section shall be construed in reference to the District of any Sewer Authority as if the Expression "Sewer Authority" were inserted therein in the Place of the Expression "Local Board."

Where the Sewer Authority and the Nuisance Authority are different Bodies of Men, the Jurisdiction of the Nuisance Authority in such District shall cease in respect to all Matters over which the Sewer Authority acquires Powers by this Section.

Incorporation of Provisions of 11 & 12 Vict. c. 63. as to private Improvement Expenses.

6. The Provisions of the Public Health Act, 1848, relating to private Improvement Expenses, as amended by any subsequent Act of Parliament, shall be deemed to be incorporated with this Act, so far as may be required for carrying into effect any Provision of this Act.

Earth-closets may in certain Cases be constructed instead of Water-closets.

7. Any Enactment of any Act of Parliament in force in any Place requiring the Construction of a Watercloset shall, with the Approval of the Local Authority, be satisfied by the Construction of an Earth-closet, or other Place for the Reception and Deodorization of Fœcal Matter, made and used in accordance with any Regulation from Time to Time issued by the Local Authority.

The Local Authority may as respects any Houses in which such Earth-closets or other Places as aforesaid are in use with their Approval, dispense with the Supply of Water required by any Contract or Enactment to be furnished to the Waterclosets in such Houses, on such Terms as may be agreed upon between such Authority and the Persons or Body of Persons providing or required to provide such Supply of Water.

The

The Local Authority may themselves undertake or contract with any Person to undertake a Supply of dry Earth or other deodorizing Substance to any House or Houses within their District for the Purpose of any Earth-closets or other Places as aforesaid.

The Local Authority may themselves construct or require to be constructed Earth-closets or other such Places as aforesaid in all Cases where, under any Enactment in force, they might construct Waterclosets or Privies, or require the same to be constructed, with this Restriction, that no Person shall be required to construct an Earth-closet or other Place as aforesaid in any House instead of a Watercloset if he prefer to comply with the Provisions of the Enactment in force requiring the Construction of a Watercloset, and a Supply of Water for other Purposes is furnished to such House, and that no Person shall be put to greater Expense in constructing an Earth-closet or other Place as aforesaid than he would be put to by compliance with the Provisions of any Enactment as to Waterclosets or Privy Accommodation which he might have been compelled to comply with if this Section had not been passed.

Local Authority shall, for the Purposes of this Act, mean any Local Board and any Sewer Authority.

Provision for Recovery of Expenses by Secretary of State.

8. Whereas by the Forty-ninth Section of the Sanitary Act, 1866, Power is given to One of Her Majesty's Principal Secretaries of State in case of any Sewer Authority, Local Board, or Nuisance Authority making default in performing the Sanitary Duties specified in the said Section, and imposed on them by Act of Parliament, to appoint a Person to perform the same, and to direct by Order that the Expenses of performing the same, together with a reasonable Remuneration to the Person appointed for superintending such Performance, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Authority in default, and that any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench, and be enforced in the same Manner as if the same were an Order of such Court: And whereas it is expedient to make further Provision for enforcing Payment of any Sum so specified as aforesaid in the Order of the Secretary of State, together with the Costs of the Proceedings occasioned by the Default made in Payment of such Sum:

Be it enacted, That the Sum so specified in the Order of the Secretary of State, together with the Costs of the Proceedings, shall be deemed to be Expenses properly incurred by the Authority in default and to be a Debt due from such Authority, and payable out of any Monies in the Hands of such Authority or their Officers, or out of any Rate applicable to the Payment of any Expenses properly incurred by the defaulting Authority, and which Rate is in this Section referred to as the Local Rate; and in the event of any Authority refusing to pay any such Sum with Costs as aforesaid for a Period of Fourteen Days after Demand, the Secretary of State may by Precept empower any Person to levy by and out of the Local Rate such Sum (the Amount to be specified

specified in the Precept) as may, in the Opinion of the said Secretary of State, be sufficient to defray the Debt so due from the defaulting Authority, and all Expenses incurred in consequence of the Nonpayment of such Debt; and any Person or Persons so empowered shall have the same Powers of levying the Local Rate, and requiring all Officers of the defaulting Authority to pay over any Monies in their Hands, as the defaulting Authority itself would have in the Case of Expenses legally payable out of a Local Rate to be raised by such Authority; and the said Person or Persons, after repaying all Sums of Money so due in respect of the Precept, shall pay the Overplus, if any, (the Amount to be ascertained by the Secretary of State,) to or to the Order of the defaulting Authority.

As to Recovery of Penalties.

9. Penalties under any Section incorporated with this Act shall be recovered in manner directed by the Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three.

All Powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred by any other Act of Parliament, and any such other Powers may be exercised as if this Act had not passed.

Nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would have been liable if this Act had not been passed.

Provided that no Person who has been adjudged to pay any Penalty in pursuance of this Act shall for the same Offence be liable to a Penalty under any other Act.

Amendment of Sect. 37 of 29 & 30 Vict. c. 90.

10. The Sewer Authority, or in the Metropolis the Nuisance Authority, shall have the like Power to make Provision for the temporary Supply of Medicine and Medical Assistance for the poorer Inhabitants as it now has to provide Hospitals or temporary Places for the Reception of the Sick under the Thirty-seventh Section of "The Sanitary Act, 1866," but such Power to make Provision for the temporary Supply of Medicine and Medical Assistance shall not be exercised without the Sanction of Her Majesty's Privy Council.

Construction of First Part of the Sanitary Act, 1866.

11. In the Construction of the First Part of the Sanitary Act, 1866, "Owner" shall have the same Meaning as it has in the Second Part of the said Act; and Notices may be served for the Purposes of the First Part of the said Act in the same Manner in which they are required to be served under the Second Part of the said Act.

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VICTORIÆ REGINÆ.

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CAP. CXVI.

An Act to amend the Law relating to Larceny and Embezzlement. [31st *July* 1868.]

WHEREAS it is expedient to provide for the better Security of the Property of Co-partnerships and other joint beneficial Owners against Offences by Part Owners thereof, and further to amend the Law relating to Embezzlement: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Member of Copartnership guilty of converting to his own Use, &c. Property of Copartnership liable to be tried as if not such Member.

1. If any Person, being a Member of any Copartnership, or being One of Two or more beneficial Owners of any Money, Goods, or Effects, Bills, Notes, Securities, or other Property, shall steal or embezzle any such Money, Goods, or Effects, Bills, Notes, Securities, or other Property of or belonging to any such Copartnership or to such joint beneficial Owners, every such Person shall be liable to be dealt with, tried, convicted, and punished for the same as if such Person had not been or was not a Member of such Copartnership or One of such beneficial Owners.

Provisions of 18 & 19 Vict. c. 126. extended to Embezzlement by Clerks or Servants.

2. All the Provisions of the Act passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of Her present Majesty's Reign, intituled *An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases*, shall extend and be applicable to the Offence of Embezzlement by Clerks or Servants, or Persons employed for the Purpose or in the Capacity of Clerks or Servants, and the said Act shall henceforth be read as if the said Offence of Embezzlement had been included therein.

Extent of Act.

3. This Act shall not extend to *Scotland*.

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VICTORIÆ REGINÆ.

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CAP. CXVII.

An Act to amend the District Church Tithes Act, 1865, and to secure Uniformity of Designation amongst Incumbents in certain Cases.

[31st *July* 1868.]

WHEREAS it is expedient to amend the Provisions of the District Church Tithes Act, 1865, in reference to the Style and Designation of certain of the beneficed Clergy of the United Church of *England* and *Ireland*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sect. 9 of 28 & 29 Vict. c. 42. repealed.

1. The Ninth Section of the said District Church Tithes Act, 1865, shall be and the same is hereby repealed.

Incumbents of certain Parishes, &c. to be Vicars.

2. The Incumbent of the Church of every Parish or new Parish for Ecclesiastical Purposes, not being a Rector, who is or shall be authorized to publish Banns of Matrimony in such Church, and to solemnize therein Marriages, Churchings, and Baptisms, according to the Laws and Canons in force in this Realm, and who is or shall be entitled to take, receive, and hold for his own sole Use and Benefit

Benefit the entire Fees arising from the Performance of such Offices, without any Reservation thereout, shall, from and after the passing of this Act, for the Purpose of Style and Designation, but not for any other Purpose, be deemed and styled the Vicar of such Church and Parish or new Parish, as the Case may be, and his Benefice shall for the same Purpose be styled and designated a Vicarage.

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CAP. CXVIII.

An Act to make further Provision for the good Government and Extension of certain Public Schools in *England*. [31st *July* 1868.]

WHEREAS the Commissioners appointed under a Commission issued in the Year One thousand eight hundred and sixty-one have made their Report, and thereby recommended various Changes in the Government, Management, and Studies of the Schools herein-after mentioned, with a view to promote their greater Efficiency, and to carry into effect the main Objects of the Founders thereof; but such Changes cannot be carried into effect without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as the "Public Schools Act, 1868." Short Title.

2. "School"

'School."

2. "School" includes, in the Case of *Eton* and *Winchester*, *Eton College* and *Winchester College*.

Definition of existing "Governing Body:"

3. "Existing Governing Body" of a School shall for the Purposes of this Act mean—

(1.) At *Eton*, the Provost and Fellows:

(2.) At *Winchester*, the Warden and Fellows:

(3.) At *Westminster*, the Dean and Chapter of *Westminster*, the Dean of *Christ Church, Oxford*, and the Master of *Trinity College, Cambridge*:

(4.) At *Charterhouse*, the Governors:

(5.) At *Harrow*, the Governors:

(6.) At *Rugby*, the Trustees:

(7.) At *Shrewsbury*, the Trustees:

"New Governing Body."

"New Governing Body of a School" shall for the Purposes of this Act mean a Governing Body the Constitution of which has been altered in pursuance of this Act, or, if no such Alteration shall have been made, the Governing Body which shall be in existence at the End of the Time assigned by this Act for making such Alteration, or a Body which has been established under this Act as the new Governing Body of a School.

Definition of "Boys on the Foundation."

4. Boys on the Foundation shall for the Purposes of this Act mean—

(1.) At *Eton*, the King's Scholars or Scholars belonging to the College of *Eton*:

(2.) At *Winchester*, the Scholars belonging to the College of *St. Mary, Winchester*:

(3.) At *Westminster*, the Queen's Scholars:

(4.) At *Charterhouse*, the Foundation Scholars or Boys nominated by the Governors, and entitled to receive gratuitous Education:

(5.) At *Harrow*, the Boys entitled to Education wholly or partially gratuitous:

(6.) At *Rugby*, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Residents in *Rugby* or within a certain Distance of *Rugby*:

(7.) At *Shrewsbury*, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Burgesses.

Statutes by Governing Bodies.

Power to Governing Bodies of Schools to which this

5. The existing Governing Body of each of the Schools to which this Act applies may at any Time before the First Day of *May* One thousand eight hundred and sixty-nine, or within such further Time as may be determined by Her Majesty in Council as hereinafter

after mentioned, make a Statute or Statutes for determining and establishing the Constitution of the Governing Body of each of such Schools in such Manner as may be deemed expedient; with Power in the Case of *Westminster* to establish a Governing Body for the School, including Boys whether on the Foundation or not, either wholly or partially distinct from the Dean and Chapter of *Westminster;* but from and after the said First Day of *May* One thousand eight hundred and sixty-nine, or such further Time as aforesaid, all Powers of making Statutes vested by this Section in the Governing Body of a School shall pass to the Special Commissioners herein-after mentioned. Any Governing Body established for *Westminster School* shall be a Body Corporate, with a perpetual Succession and a Common Seal (with Power to hold Lands for the Purposes of the School without Licence of Mortmain), and subject to the Provisions of this Act shall, as to leasing their Land, have the same Powers and be subject to the same Disabilities as may be possessed by or attached to the Dean and Chapter of *Westminster* in respect of Lands in their Possession.

Act applies to alter their Constitutions.

6. Subject to the Restrictions herein-after mentioned, the new Governing Body of every School to which this Act applies may at any Time before the First Day of *January* One thousand eight hundred and seventy, or within such further Time as may be determined by Her Majesty in Council as herein-after mentioned, make Statutes with respect to all or any of the following Matters:

Governing Bodies of Schools to which this Act applies to make Statutes with respect to Matters herein named.

(1.) With respect to the Boys on the Foundation, to remove, wholly or partially, local or other Restrictions on the Class of Boys entitled to become Boys on the Foundation, to make Admission on the Foundation wholly or partially dependent on Proficiency in a competitive or other Examination, and to define the Age for the Admission of a Boy on the Foundation, and the Age at which he may be required to leave the School:

(2.) With respect to the Privileges and Number of Boys on the Foundation, to abridge or extend such Number and Privileges whenever, from Change of Circumstances, it seems expedient to abridge or extend them:

(3.) With respect to the Privileges and Number of Boys who under any Statute or Benefaction may be entitled to any Rights to Education or Maintenance:

(4.) With respect to Scholarships, Exhibitions, or other Emoluments, either tenable at the School, or tenable after quitting the School by Boys educated thereat, to do all or any of the following Things; that is to say,

a. To consolidate any Two or more of such Emoluments; to divide any single Emolument into Two or

or more; to convert any Scholarship or Exhibition tenable at the School into a Prize or Prizes; to remove any Restrictions on the Election or Appointment to such Emoluments; to open to general or limited Competition within the School Emoluments now conferred otherwise than by competitive Examination; and to define or vary the Subjects of Examination for any Emolument; provided that the foregoing Powers shall not extend to any Emolument created within Fifty Years before the passing of this Act; and,

b. To convert Emoluments attached to any particular College at *Oxford* or *Cambridge*, but not payable out of Funds held by such College, into Emoluments tenable at any College or Hall at either University, or otherwise by any Member of such University:

(5.) With respect to the Mode and Conditions of Appointment to any Ecclesiastical Benefice the Patronage of which is vested in the Governing Body as such, or to which Persons educated at or connected with the School have an exclusive or preferential Claim:

(6.) With respect to the Number, Position, Rank in the School, and Salaries and Emoluments of Masters who may receive any Salary or Emolument out of Property belonging to or held in trust for the School, with Power to abolish any such Mastership other than the Head Mastership, and to remove any Conditions as to Marriage, Education at a particular Place, or otherwise, attaching to any Candidates for such Mastership:

(7.) With respect to the Disposal of the Income of the Property of the School, either for the Purpose of improving or enlarging the existing Establishment or of founding Exhibitions or Scholarships tenable at the School or elsewhere, or of establishing any subordinate or other Schools in connexion therewith, with Power in the Case of *Eton* and *Winchester* Colleges to regulate the future Income and all other Emoluments of the future Provost and Fellows and the future Warden and Fellows respectively, and to determine the Number of such Fellows, and the Emoluments and Advantages to be hereafter enjoyed by all the Members of each of those Foundations, or by those now entitled to any Payment thereout:

(8.) With respect to any Office not heretofore mentioned the Salary of which is payable out of Property belonging to or held in trust for the School.

7. The

Power to Governing Bodies to consolidate and amend existing Statutes and Regulations.

7. The new Governing Body of any School to which this Act applies may, by Statute made in manner herein provided, consolidate and amend any existing Statutes or Regulations relating to such School, whether in force by Act of Parliament, Charter, Judicial Decree, Instrument of Endowment, or otherwise, with Power to repeal any Statute or Regulation that has in the Opinion of that Body become obsolete, or has become incapable of Observance by reason of Changes authorized to be made under this Act.

Restrictions on making Statutes as herein stated.

8. The following Restrictions shall be imposed on any Governing Body of a School making Statutes under this Act:

(1.) Where Two or more Schools are interested in any Scholarship, Exhibition, or Emolument, a Statute made by the Governing Body of One School shall not affect the Interest of any other School, except with the Consent of a Majority of the Governors, Trustees, or other Governing Body of the last-mentioned School:

(2.) Where any Statute proposed to be made by any Governing Body of a School affects any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities of *Oxford* and *Cambridge*, Notice in Writing of such intended Statute shall be given to the Head of such College Two Months at least before such Statute is submitted to the Special Commissioners as herein-after mentioned:

(3.) Where any Statute proposed to be made by any Governing Body of a School affects the Interests of any Person or Class of Persons deriving Benefit under the Institutions in force with respect to the same, a Copy of such proposed Statute shall be deposited in some convenient Place for public Inspection in the Locality in which such School is situated; and Notice of such Copy having been so deposited shall be given in some Newspaper circulating in such Locality Two Months at the least before such Statute is submitted to the Special Commissioners; and the said Governing Body shall hear all Objections which such Person or Class of Persons may be desirous of urging against the same:

(4.) No Statute made by any Governing Body of a School under this Act shall be of any Validity until the same has been approved by Her Majesty in Council as herein-after mentioned, but when so approved all the Requisitions of this Act in respect thereto shall be deemed to have been duly complied with, and the Statute shall be of the same

Force as if it had been contained in this Act, subject nevertheless to the Power of Alteration or Repeal hereinafter conferred.

All Statutes to be laid before the Queen in Council.

9. All Statutes made by any Governing Body of a School under the Powers herein contained shall be submitted to the Special Commissioners herein-after appointed, and, if approved by them, be laid before Her Majesty in Council, and be forthwith published in the *London Gazette;* and it shall be lawful for the Trustees of any Scholarship, Exhibition, or Emolument to which such Statute may relate, or for any Person or Body Corporate directly affected thereby, within Two Months after such Publication in the *London Gazette*, to petition Her Majesty in Council, praying Her Majesty to withhold Her Approval from the whole or any Part of such Statute. The Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members at the least of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Any Petition not proceeded with in accordance with the Regulations made with respect to Petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

Her Majesty in Council may approve or disapprove Statutes.

10. It shall be lawful for Her Majesty in Council to signify Her Approval or Disapproval of any Statute or Part of a Statute made by any Governing Body of a School in pursuance of this Act at the Times following; that is to say, where a Petition has been presented against such Statute at any Time after the Hearing or Withdrawal of such Petition, and where no such Petition has been presented at any Time after the Expiration of the Time limited by this Act for the Presentation of a Petition. If Her Majesty signify Her Disapproval of any Statute, or any Part thereof, the Governing Body of the School which framed the Statute may frame another Statute in that Behalf, subject to the same Conditions as to the Approval of the Special Commissioners and of Her Majesty in Council as are imposed by this Act in relation to the making of original Statutes by any Governing Body of a School, and so on from Time to Time as often as Occasion requires, so that such Statutes are made, in the Case of the existing Governing Body of a School, before the First Day of *January* One thousand eight hundred and sixty-nine, or within such further Time as Her Majesty may by Order in Council appoint

appoint in manner herein-after mentioned, and, in the Case of the new Governing Body of a School, before the said First Day of *January* One thousand eight hundred and seventy, or within such further Time as Her Majesty may by Order in Council appoint in manner herein-after mentioned.

As to Repeal or Alteration of Statutes made in exercise of Powers of this Act.

11. Any Statute made in exercise of the Powers of this Act may, at any Time or Times after the Expiration of the Powers by this Act conferred on the Special Commissioners, be repealed or altered by the Governing Body for the Time being in the same Manner and subject to the same Provisions, with the Exception of those requiring such Statutes to be submitted to and approved by the Special Commissioners, in and subject to which Statutes may be made by the Governing Body.

Regulations by Governing Bodies.

General Power of Governing Body to make, alter, or annul Regulations.

12. It shall be lawful for the new Governing Body of every School to which this Act applies, notwithstanding anything contained in any existing Act of Parliament, Charter, Statute, Decree, Instrument of Foundation, or Endowment or other Instrument, and notwithstanding any Custom, from Time to Time to make, alter, or annul such Regulations as they may deem it expedient to make, alter, or annul with respect to any of the following Matters:

(1.) With respect to the Number of Boys, other than Boys on the Foundation, in the School, their Ages, and the Conditions of Admission to the School:

(2.) With respect to the Mode in which the Boys, whether on the Foundation or not, are to be boarded and lodged, and the Conditions on which Leave to keep a Boarding House should be given:

(3.) With respect to the Payments to be made for the Maintenance and Education of the Boys, other than Boys on the Foundation, including Fees and Charges of all kinds, and to Payments by Boys on the Foundation in respect of anything which they are not entitled to receive gratuitously; and with respect to the Application of the Monies to be derived from those Sources, and of Monies paid out of the Income of the Foundation on account of the Instruction of Boys on the Foundation:

(4.) With respect to Attendance at Divine Service, and, where the School has a Chapel of its own, with respect to the Chapel Services and the Appointment of Preachers:

(5.) With respect to the Times and Length of the ordinary Holidays:

(6.) With

(6.) With respect to the sanitary Condition of the School and of the Premises connected therewith:

(7.) With respect to the Introduction of new Branches of Study, and the Suppression of old ones, and the relative Importance to be assigned to each Branch of Study:

(8.) With respect to the Number, Position, and Rank in the School, and Salaries and Emoluments, of the Masters, in so far as such Masters are not affected by any Statute made in accordance with the Provisions herein-before contained:

(9.) With respect to giving Facilities for the Education of Boys whose Parents or Guardians wish to withdraw them from the Religious Instruction given in the School:

(10.) With respect to giving Facilities for Boys other than Boarders to attend at the School, and participate in the educational Advantages thereof:

(11.) With respect to the Powers committed to the Head Master:

Provided that the Charges made for the Maintenance and Education of the Boys shall be kept distinct: Provided that the new Governing Body, in all Cases where the Head Master is not a Member of the Body making the Regulations, shall, before making any such Regulations, consult the Head Master in such a Manner as to give him full Opportunity for the Expression of his Views: Provided that it shall be lawful for the Head Master from Time to Time to submit Proposals for making, altering, or annulling any such Regulations, or any other Matter affecting the Condition of the School, to the Governing Body, who shall proceed to consider, and, if they think fit, adopt the same.

Masters.

Appointment of Masters.

13. The Head Master of every School to which this Act applies shall be appointed by and hold his Office at the Pleasure of the new Governing Body. All other Masters shall be appointed by and hold their Offices at the Pleasure of the Head Master. No Candidate for any Mastership shall be entitled to Preference by reason of his having been a Scholar of or educated at the School of which he desires to be Master.

Boys on the Foundation.

Saving of Rights as to Harrow and Rugby Schools.

14. Nothing in this Act contained or done in pursuance thereof shall affect the Rights of Persons residing in the Parish of *Harrow* at the Time of the passing of this Act to send their Children to *Harrow School*, or the Rights of Persons residing at the Time of the passing of this Act in or within Five Miles of *Rugby* to send their Children to *Rugby School*.

Nothing

Nothing in this Act contained or done in pursuance thereof shall affect the Rights of Persons being Burgesses of *Shrewsbury* at the Time of the passing of this Act to send their Children to *Shrewsbury School.*

Special Commissioners.

Appointment of Commissioners.

15. The several Persons herein-after named, (that is to say,) the Most Reverend Father in God *William* Lord Archbishop of *York*, the Most Noble *Robert Arthur Talbot Gascoigne-Cecil* Marquis of *Salisbury*, the Right Honourable *Russell Gurney* Recorder of the City of *London*, Sir *John Lubbock* Baronet, Sir *John George Shaw Lefevre* Knight Commander of the Bath, *John Duke Coleridge* Esquire, One of Her Majesty's Counsel, *Charles Stuart Parker* Esquire, shall be Special Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum.

Duration of Powers of Commissioners.

16. The Powers conferred on the Special Commissioners by this Act shall be in force until the First Day of *January* One thousand eight hundred and seventy-one, and it shall be lawful for Her Majesty, if She think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and seventy-two.

Vacancy in Number of Commissioners.

17. If any Vacancy occurs in the Number of the Special Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may, by Instrument under Her Sign Manual, fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

18. In the Exercise of the Authorities vested by this Act in the Special Commissioners they shall have Power to require from any Officer of any School to which this Act applies the Production of any Documents or Accounts relating to such School, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof.

Powers of Special Commissioners.

19. On and after the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty as herein-after mentioned, all such Powers of making Statutes, of making Regulations, and of making and proposing Schemes, as are by this Act vested in any Governing Body of any School to which this Act applies, shall pass to and vest in the Special Commissioners appointed under this Act (subject nevertheless, in the Case of a Statute affecting any Scholarship, Exhi-

bition, or Emolument in any School other than that for which the Statute is made, to the Restrictions by this Act imposed on the Governing Body in making a like Statute); and the Special Commissioners may exercise such Powers in respect of all Matters in which any Governing Body may have failed to exercise the same in a Manner approved by the Special Commissioners.

The Commissioners shall, in the Case of a Regulation, Two Months at the least before finally making the same, and, in the Case of a Statute or Scheme, Two Months at the least before laying the same before Her Majesty in Council, serve a Copy of such Regulation, Statute, or Scheme on the Governing Body of the School to which it relates, (and if it be a Statute affecting any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities, on the Head of such College,) and hear all Objections that such Governing Body or College may be desirous of urging against the same.

Any Regulation made by the Special Commissioners, unless an express Power of altering the same is vested in the Governing Body, shall be deemed to be in the Nature of a Statute, and be alterable only in manner in which Statutes are capable of being altered in pursuance of this Act; but, except in so far as relates to Regulations made by the Commissioners, and except during such Time as the Powers of the Special Commissioners under this Section remain in force, the Power of the new Governing Body of the School to make, alter, or annul Regulations shall remain unaffected by the Power hereby given to the Commissioners of making the same.

Any Statute or Scheme made by the Special Commissioners in pursuance of this Act shall be subject to the Provisions herein-before contained as to the same being laid before Her Majesty in Council, and as to the Approval or Disapproval of Her Majesty, and as to its subsequent Repeal or Alteration, with the Consent of Her Majesty in Council, as if it were a Statute made by the Governing Body of the School which had been approved by the Special Commissioners, with this Addition, that the Approval or Disapproval of Her Majesty to any such Statute or Scheme as last aforesaid shall not be signified until such Statute or Scheme has been laid before both Houses of Parliament for a Period of not less than Forty Days.

Miscellaneous.

Provisions as to Westminster School.

20. The following Provisions shall be made with respect to *Westminster School;* that is to say,

(1.) There shall be paid to the Governing Body of *Westminster School* for the Time being by the Ecclesiastical Commissioners for the Support of the School an annual Sum of not

not less than Three thousand five hundred Pounds, and a Capital Sum of Fifteen thousand Pounds:

(2.) The annual Sum of Three thousand five hundred Pounds shall be paid by equal half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, the first half-yearly Payment to be made on the Twenty-fifth Day of *March* next after the passing of this Act, and the said Capital Sum of Fifteen thousand Pounds on the Twenty-ninth Day of *September* next:

(3.) The Ecclesiastical Commissioners shall take Steps as soon as they can conveniently for transferring to and vesting in the Governing Body for the Time being of *Westminster School*, and their Successors in Fee Simple, for the Support of the School, such a Portion of the Estates then vested in the Commissioners as may be adequate to produce an annual Income of not less than Three thousand five hundred Pounds after deducting all Expenses of Management:

(4.) Upon such Transfer as aforesaid being effected the Payment of the said annual Sum of Three thousand five hundred Pounds by the Ecclesiastical Commissioners shall cease:

(5.) The said Capital Sum of Fifteen thousand Pounds shall be invested by the Governing Body of the School in Three Pound *per Centum* Bank Annuities, and shall be applied in manner herein-after mentioned:

(6.) From and after the passing of this Act there shall vest in the Governing Body for the Time being of *Westminster School* for the Use of the School the Playground in *Vincent Square*, with the Lodge on such Playground, the Dormitory with its Appurtenances, the School and Class Rooms, the Houses and Premises of the Head Master and Under Master, the Three Boarding Houses, and the Gymnasium, excepting the Crypts:

(7.) All the said Buildings shall be held by the said Governing Body for the Use of the School, and it shall be incumbent on the said Governing Body to keep as an open Space for the Recreation of the Boys, and for no other Purpose, the said Playground in *Vincent Square*:

(8.) The Hall and the Playground in *Dean's Yard* shall continue to be used in the same Manner as heretofore by the Scholars of *Westminster School*:

(9.) The Dean and Chapter of *Westminster* shall transfer to and vest in the Governing Body of *Westminster School* in Fee Simple the Houses following, on the Request of such

such Governing Body, at such Times and upon Payment of such Sums as are herein-after mentioned; that is to say,

First. The House in *Great Dean's Yard* now occupied by the Rector Canon of *Saint John the Evangelist* on the next Avoidance of the said Canonry, and on Payment of the Sum of Four thousand Pounds to the Ecclesiastical Commissioners:

Second. The House now occupied by the Sub-Dean on the next Avoidance of the Canonry held by the said Sub-Dean, and on Payment to the said Commissioners of the like Sum of Four thousand Pounds:

Third. The House now occupied by Mr. *Turle* on the next Vacancy in the Office of Organist of the Collegiate Church, *Westminster*, and on Payment to the said Commissioners of the Sum of Two thousand Pounds:

(10.) The Governing Body of the School shall be at liberty to make the foregoing Payments of Four thousand Pounds, Four thousand Pounds, and Two thousand Pounds, or such of them as may be required out of the said Sum of Fifteen thousand Pounds, and may apply the Residue of the said Sum in erecting new Buildings or improving old Buildings, or otherwise in making Improvements in or about the Property of the School, and they may apply the Income arising from any Securities on which the said Sum of Fifteen thousand Pounds may for the Time being be invested in the same Manner in which the Residue of their Income is applicable:

(11.) The Monies paid to the Ecclesiastical Commissioners in respect of the said Canonry Houses, or either of them, shall be held by the said Commissioners on trust for the Dean and Chapter of *Westminster*, to be expended in building on the College Gardens, according to Plans to be approved by the Dean of *Westminster* for the Time being, Houses or a House equivalent to the Houses or House in respect of which such Payments may be made; and in the meantime the Ecclesiastical Commissioners shall allow and pay to the Canon or Canons who would have been entitled to the Occupation of such House or Houses if the same had not been so taken for the Purposes of *Westminster School* Interest after the Rate of Three Pounds *per Centum per Annum* on such Monies or the Balances thereof from Time to Time remaining in the Commissioners Hands:

(12.) The

(12.) The Monies paid to the Ecclesiastical Commissioners in respect of the House now occupied by Mr. *Turle*, the Organist of the Collegiate Church of *Westminster*, shall be held by the Commissioners in trust for the Dean and Chapter of *Westminster*, who shall be entitled to Interest thereon after the like Rate of Three Pounds *per Centum per Annum* until such Capital Monies and all Balances thereof shall have been expended by the Dean and Chapter in providing another Residence for the Organist of their Church:

(13.) If the Dean and Chapter of *Westminster* and the Governing Body for the Time being of *Westminster School* agree that it would be for the Benefit of the School that any Premises not herein-before mentioned, and being at the Time of such Agreement Part of the Property of the Dean and Chapter, should become the Property of the School, the Dean and Chapter may convey the same to the School at a Price to be agreed upon or to be settled by an Arbitrator to be appointed by the President for the Time being of Her Majesty's Most Honourable Privy Council:

(14.) Any Transfers of Lands which in pursuance of this Act may be made by the Ecclesiastical Commissioners to the Governing Body of *Westminster School* may be effected under the Provisions of a Scheme prepared by the Ecclesiastical Commissioners, and approved and ratified by Order of Her Majesty in Council, and published in the *London Gazette*, and such Scheme shall be effectual for transferring to and vesting in the Governing Body of the School all Estates and Interests which it purports to transfer without any Conveyance, Assurance, or Act in the Law:

(15.) In consideration of the above-mentioned Payments of Three thousand five hundred Pounds *per Annum* and of Fifteen thousand Pounds all annual or other Sums of Money which if this Act had not been passed would have been paid to *Westminster School* by the said Dean and Chapter after the Twenty-ninth Day of *September* next shall belong and be paid to the Ecclesiastical Commissioners for *England*:

(16.) In the event of *Westminster School* being removed beyond the City of *Westminster*, all the Property and Income derived by the School from the Ecclesiastical Commissioners, or the Dean and Chapter of *Westminster*, or their Estates, shall revert to and become vested in the Ecclesiastical Commissioners.

Scheme for Buildings.

21. The new Governing Body of any of the Schools to which this Act applies may at any Time before the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty in Council as herein-after mentioned, submit to the Special Commissioners and, if approved of by them, may lay a Scheme before Her Majesty in Council for making any Additions to or Alterations in the Buildings of the School, and for raising Monies for that Purpose by Mortgage of any Property belonging to or held in trust for the School, with Power to suspend any Scholarships or Exhibitions payable out of such Property; they may also in any such Scheme make Provisions for exchanging any Lands belonging to such School for other Lands, and for purchasing any Land that may be required for making such Additions or Alterations as aforesaid; and every such Scheme shall be subject to the same Provisions, and if approved shall take effect and be subject to Alteration, in the same Manner as Statutes made by a Governing Body.

Livings to which Shrewsbury School has a preferential Claim.

22. Whereas the Right of Appointment to Vacancies in the Vicarage of *Cherbury* and the Perpetual Curacies of *St. Mary's Astley* and *Clive* is vested in Trustees appointed by the Lord Chancellor, in pursuance of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales: And whereas the Sons of certain Burgesses educated at *Shrewsbury School*, and the Head and Second Master of the said School, have a preferential Claim to be appointed to the said Vicarages and Curacies: Be it enacted, That the said Trustees may at any Time after the passing of this Act, upon the Requisition of the Governing Body of the said School, sell the Right of Presentation or Appointment to the said Vicarages and Curacies, or any of them, and pay over the Monies arising from such Sale to the Governing Body of the School, to be applied by that Body for the Benefit of the School.

Scheme for constituting Parish of Eton a distinct Vicarage.

23. The Ecclesiastical Commissioners for *England* shall lay before Her Majesty in Council such Scheme as may appear to the said Commissioners to be best adapted for relieving the Provost of *Eton* from the Spiritual Charge of the Parish of *Eton*, and constituting the same a distinct Vicarage in the Gift of the Provost and Fellows of *Eton*, with an Endowment out of the Revenues of *Eton College* of an annual Sum to an Amount, as soon as such Revenues may be able to defray the Charge, of Six hundred Pounds, or, in case the Vicar is provided with a Residence at the

the Expense of the College, such less Sum as the said Commissioners shall judge sufficient; and any such Scheme, when approved of by Her Majesty in Council, shall be of the same Force as if it had been contained in this Act.

Power of Eton College to make a Scheme for running out their Leases.

24. The new Governing Body of *Eton* may, at any Time before the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty in Council as in this Act mentioned, submit to the Special Commissioners and, if approved of by them, lay a Scheme or Schemes before Her Majesty in Council for dealing with the Estates of *Eton College* in such Manner as to bring the whole of them, so soon as it may be thought expedient, into a System of being let at Rack-rent instead of being let on Leases renewable on Payment of Fines; and the said Governing Body may in such Scheme or Schemes provide for raising by Mortgage of the College Estates, or any of them, such Sums as may be sufficient for securing to the existing Members of the College the estimated Amount of Income calculated on the Average of the preceding Seven Years that would have accrued to them if the Estates comprised in the Scheme had been let in the usual Way; and any such Scheme or Schemes may extend to the whole or to a Portion only of the said College Estates; and the Monies to be raised by Mortgage may include the Amount of all Expenses that may properly be incurred by the College in carrying such Scheme or Schemes into effect; and it may be provided in such Scheme or Schemes that the Amount of Monies to be raised by Mortgage, and the Amount of Expenses to be allowed, and generally that the working of any such Scheme in such Matters as cannot be specifically regulated by the Scheme, shall be subject to the Control of such Department of the Government, or of Persons appointed by a Department of the Government, as may seem good to the said Special Commissioners.

The new Governing Body of *Winchester* may also in like Manner submit to the Special Commissioners and, if approved of by them, lay a Scheme or Schemes before Her Majesty in Council for running out the Leases on Property belonging to such College.

General Provision as to Schemes.

25. Any Scheme authorized to be made under this Act may contain all Powers and Provisions that may be thought expedient for carrying into effect its Objects; and where any Scheme authorizes the Purchase or Acquisition of any Lands, there shall be deemed to be incorporated with such Scheme "The Lands Clauses Consolidation Act, 1845," with the Exception of the Provisions relating to the Purchase of Lands otherwise than by Agreement, and of the Provisions relating to Entry upon Land, to intersected Lands,

Lands, and to the Recovery of Forfeitures, Penalties, and Costs, and of the Provisions relating to Access to the Special Act.

Power to remove Shrewsbury School to another Site.

26. The new Governing Body of *Shrewsbury School* may, if they deem it expedient, at any Time after the passing of this Act, lay a Scheme before Her Majesty in Council for the Removal of the School from its actual Site to some other Place, and may provide in such Scheme for the Sale or Mortgage of any Property belonging to or held in trust for such School, and for its Appropriation to Building or other Purposes, with Power to suspend any Scholarships or Exhibitions payable out of such Property, and for the Purchase of other Property, and for the Erection of new Buildings on the Property so purchased, and generally for all Matters (including the Sale of any surplus Property that may be purchased, and the Investment of the Money which may be produced by such Sale,) required to effect such Removal in a convenient Manner, to the same Extent as if such Governing Body were the absolute Owners of any Property they may be dealing with under this Section as Purchasers, Vendors, or otherwise; and any such Scheme shall be subject to the same Provisions, and, if approved, shall take effect, and be subject to Alteration in the same Manner as Statutes made by a Governing Body:

Provided, firstly, that any Scheme made under this Section before the Expiration of the Powers by this Act conferred on the Special Commissioners shall be approved of by them before being laid before Her Majesty in Council; secondly, that the Power of making a Scheme under this Section shall not pass to the Special Commissioners or cease after the First of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty as herein-after mentioned, but shall continue vested in the new Governing Body of the said School; thirdly, that the School shall not be removed to any Site exceeding in Distance Three Miles measured in a straight Line from the Market Place in *Shrewsbury*.

Not to affect certain Rights of Parties interested as herein stated.

27. Nothing contained in this Act, or done in pursuance of the Powers thereby conferred, shall, as respects any Schools to which this Act applies, affect—

(1.) Any Boy being at the Time of the passing of this Act on the Foundation of any of the said Schools, so far as respects his Interest in such Foundation during his Continuance at School:

(2.) The Tenure by any Person of any Scholarship Exhibition or other like Emolument held by him at the Time of the passing

passing of this Act, and not forming Part of the Interest of a Boy on the Foundation herein-before mentioned:

(3.) The vested Interests of any Master in any of the said Schools appointed to his Office before the passing of the Public Schools Act, 1864, unless a due Equivalent be made in respect thereof:

(4.) The pecuniary Interest belonging to or capable of being enjoyed by any Member of the Governing Bodies of the said Schools who may have been appointed to his Office before the passing of the said Public Schools Act, 1864, unless a due Equivalent be made in respect thereof:

(5.) The Status as a Member of any Person who may have been appointed a Member of the Collegiate Bodies of *Eton* or *Winchester* before the passing of the said Public Schools Act of 1864:

And nothing contained in this Act or done in pursuance of the Powers thereof shall affect the Dean and Chapter of *Westminster* or any Member of that Body, except in so far as relates to their Status as apart from the Governing Body of *Westminster School*, or is herein-before expressly provided with respect to the Property to be appropriated to or for the Use of the said School.

Saving of existing Powers of Governing Bodies.

28. Subject to any Alterations made by this Act, or by any Scheme or Statute made in pursuance of this Act, all Powers vested by Act of Parliament, Charter, Instrument of Endowment, Custom, or otherwise, in the existing Governing Body of a School to which this Act applies, in relation to such School or the Government thereof, shall continue in force, and may be exercised by such Governing Body until a new Governing Body is appointed, and after the Appointment of a new Governing Body by the new Governing Body, in the same Manner in which they might have been exercised if this Act had not passed.

Saving of Act relating to Charterhouse.

29. From and after the passing of this Act the Corporation known by the Name of "The Governors of the Lands, Possessions, "Revenues, and Goods of the Hospital of King *James* founded "in *Charterhouse* within the County of *Middlesex* at the humble "Petition and only Costs and Charges of *Thomas Sutton* Esquire" shall bear the Corporate Name of "The Governors of *Sutton's Hospital* in *Charterhouse*," but such Change of Name shall not in any way affect the Position, Rights, or Obligations of the said Governors, or cause any Action, Suit, or other legal Proceeding carried on by or against them to abate; and, except so far as the above-mentioned Change of Name is concerned, nothing in this Act contained shall affect the Private Act passed in the Session of Thirtieth and

Thirty-first Years of the Reign of Her present Majesty, Chapter Eight, intituled *An Act for enabling the Governors of the Lands, Possessions, Revenues, and Goods of the Hospital of King* James *founded in* Charterhouse *within the County of* Middlesex *at the humble Petition and only Costs and Charges of* Thomas Sutton *Esquire to sell the Site of the School of the said Hospital and other Lands, to acquire a new Site for the School, and to erect a new School thereon, and for other Purposes.*

Extension of Time for Governing Bodies to make Statutes.

30. Her Majesty may, by Order in Council, as respects the existing Governing Body of any School to which this Act applies, at any Time before the First Day of *May* One thousand eight hundred and sixty-nine, extend for a Period not exceeding One Month the Time within which such Governing Body may make a Statute for the Alteration of the Constitution of such Governing Body, and, as respects the new Governing Body of any School to which this Act applies, at any Time before the First of *January* One thousand eight hundred and seventy, extend the Time within which such new Governing Body is by this Act empowered to make Statutes to a Period not exceeding the First Day of *January* One thousand eight hundred and seventy-one.

Provision as to College Chapels.

31. The Chapel of every School to which this Act applies shall be deemed to be a Chapel dedicated and allowed by the Ecclesiastical Law of this Realm for the Performance of Public Worship and the Administration of the Sacraments according to the Liturgy of the Church of *England*, and to be free from the Jurisdiction or Control of the Incumbent of the Parish in which such Chapel is situate.

Any Scheme which may be made in pursuance of this Act constituting the Parish of *Eton* a separate Vicarage shall contain Provisions making the existing Chapel of Ease at *Eton* the Parish Church of *Eton*, and exempting the College Chapel from being dealt with as a Parish Church.

Removal of Site of Westminster School.

32. Subject to the Conditions in this Act contained with respect to the Forfeiture of Property, the Governing Body for the Time of *Westminster School* may lay a Scheme before Her Majesty in Council for the Removal of the School to some other Site; and any such Scheme shall be subject to the same Provisions, and, if approved, shall take effect, and be subject to Alterations in the same Manner, as Statutes made by a Governing Body:

Provided, firstly, that any Scheme made under this Section before the Expiration of the Powers by this Act conferred on the Special Commissioners shall be approved of by them before being laid before Her Majesty in Council; secondly, that the Power of making

making a Scheme under this Section shall not pass to the Special Commissioners, or cease after the Expiration of the Powers of the Special Commissioners, but shall continue vested in the Governing Body for the Time being of the said School.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXIX.

An Act to amend the Law relating to Railways.

[31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Regulation of Railways Act, 1868.

Interpretation of Terms.

2. In this Act—

The Term "Railway" means the whole or any Portion of a Railway or Tramway, whether worked by Steam or otherwise:

The Term "Company" means a Company incorporated, either before or after the passing of this Act, for the Purpose of constructing, maintaining, or working a Railway in the United Kingdom (either alone or in conjunction with any other Purpose), and includes, except when otherwise expressed, any Individual or Individuals not incorporated who are Owners or Lessees of a Railway in the United Kingdom, or Parties to an Agreement for working a Railway in the United Kingdom:

The Term "Person" includes a Body Corporate.

I.—*Accounts, Audit, &c.*

Uniform Accounts, &c. to be kept.

3. Every incorporated Company, Seven Days at least before each ordinary half-yearly Meeting held after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, shall prepare and print, according to the Forms contained in the First Schedule to this Act, a Statement of Accounts and Balance Sheet for the last preceding Half Year, and the other Statements and Certificates required by the same Schedule, and an Estimate of the proposed Expenditure out of Capital for the next ensuing Half Year, and such Statement of Accounts and Balance Sheet shall be the Statement of Accounts and Balance Sheet which are submitted to the Auditors of the Company. Every Company which makes default in complying with this Section shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues. The Board of Trade, with the Consent of a Company, may alter the said Forms as regards such Company for the Purpose of adapting them to the Circumstances of such Company, or of better carrying into effect the Objects of this Section.

Accounts, &c. to be signed, and printed Copies distributed.

4. Every Statement of Accounts, Balance Sheet, and Estimate of Expenditure, prepared as required by this Act, shall be signed by the Chairman or Deputy Chairman of the Directors and by the Accountant or other Officer in charge of the Accounts of the Company, and shall be preserved at the Company's principal Office. A printed Copy thereof shall be forwarded to the Board of Trade, and at all Times after the Date at which it is required to be printed be given, on Application, to every Person who holds any Ordinary or Preference Share or Stock in the Company, or any Mortgage, Debenture, or Debenture Stock of the Company; and every such Person may at all reasonable Times, without Fee or Charge, peruse the Original in the Possession of the Company. Any Company which acts in contravention of this Section shall be liable for each Offence to a Penalty not exceeding Fifty Pounds.

Penalty for falsifying Accounts, &c.

5. If any Statement, Balance Sheet, Estimate, or Report which is required by this Act is false in any Particular to the Knowledge of any Person who signs the same, such Person shall be liable, on Conviction thereof on Indictment, to Fine and Imprisonment, or on summary Conviction thereof to a Penalty not exceeding Fifty Pounds.

Examination of Affairs by Inspectors.

6. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of an incorporated Company and the Condition of its Undertaking, or any Part thereof, and to report

report thereon, upon any One of the Applications following; that is to say,

1. Upon Application made in pursuance of a Resolution passed at a Meeting of Directors:
2. Upon Application by the Holders of not less than Two Fifths Part of the aggregate Amount of the Ordinary Shares or Stock of the Company for the Time being issued:
3. Upon Application by the Holders of not less than One Half of the aggregate Amount of the Mortgages, Debentures, and Debenture Stock (if any) of the Company for the Time being issued:
4. Upon Application by the Holders of not less than Two Fifths of the aggregate Amount of the Guaranteed or Preference Shares or Stock of the Company for the Time being issued, provided that the Preference Capital issued amounts to not less than One Third of the whole Share Capital of the Company.

Application to be supported by Evidence.

7. The Application shall be made in Writing, signed by the Applicants, and shall be supported by such Evidence as the Board of Trade may require, for the Purpose of showing that the Applicants have good Reason for requiring such Examination to be made; the Board of Trade may also, before appointing any Inspector or Inspectors, require the Applicants to give Security for Payment of the Costs of the Inquiry.

Inspection of Company's Books and Property.

8. It shall be the Duty of the Directors, Officers, and Agents of the Company to produce, for the Examination of the Inspectors, all Books and Documents relating to the Affairs of the Company in their Custody or Power, and to afford to the Inspectors all reasonable Facilities for the Inspection of the Property and Undertaking of the Company. Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly. Any Person who, when so examined on Oath, makes any false Statement, knowing the same to be false, shall be guilty of Perjury.

If any Director, Officer, or Agent refuses to produce any Book or Document hereby directed to be produced, or to afford the Facilities for Inspection hereby required to be afforded, or if any Officer or Agent refuses to answer any Question relating to the Affairs of the Company, he shall incur a Penalty of Five Pounds for every Day during which the Refusal continues.

Result of Examination, how dealt with.

9. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade and to the Company, and the Company shall print the same, and deliver a Copy thereof

thereof to the Board of Trade, and, on Application, to any Person who holds any Ordinary or Preference Share or Stock, or any Mortgage, Debenture, or Debenture Stock of the Company. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Persons upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same or any Portion thereof to be paid by the Company, which they are hereby authorized to do.

Power of Company to appoint Inspectors.

10. Any Company may, by Resolution at an Extraordinary Meeting, appoint Inspectors for the Purpose of examining into the Affairs of the Company and the Condition of the Company's Undertaking. The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, and shall make their Report in such Manner and to such Persons as the Company in General Meeting directs; and the Directors, Officers, and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document by this Act required to be produced to such Inspectors, or to afford the Facilities for Inspection by this Act required to be afforded, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

Auditor not necessarily a Shareholder.

11. Whenever, after the passing of this Act, Section One hundred and two of the Companies Clauses Consolidation Act, 1845, is incorporated in a Certificate or Special Act relating to a Railway Company, it shall be construed as if the Words, "where no Qualification shall be prescribed by the Special Act every Auditor shall have at least One Share in the Undertaking," were omitted therefrom; and so much of every Certificate and Special Act relating to a Railway Company, and in force at the passing of this Act, as incorporates that Portion of the said Section, and so much of any Special Act relating to a Railway Company, and so in force, as contains a like Provision, is hereby repealed.

Auditors of Company, and Appointment of Auditor by Board of Trade.

12. With respect to the Auditors of the Company the following Provisions shall have Effect:

(1.) The Board of Trade may, upon Application made in pursuance of a Resolution passed at a Meeting of the Directors or at a General Meeting of the Company, appoint an Auditor in addition to the Auditors of such Company, and it shall not be necessary for any such Auditor to be a Shareholder in the Company:

(2.) The Company shall pay to such Auditor appointed by the Board of Trade such reasonable Remuneration as the Board of Trade may prescribe:

(3.) The

(3.) The Auditor so appointed shall have the same Duties and Powers as the Auditors of the Company, and shall report to the Company:

(4.) Where, in consequence of such Appointment of an Auditor or otherwise, there are Three or more Auditors, the Company may declare a Dividend if the Majority of such Auditors certify in manner required by Section Thirty of the Railway Companies Act, 1867, and the Railway Companies (*Scotland*) Act, 1867, respectively:

(5.) Where there is a Difference of Opinion among such Auditors, the Auditor who so differs shall issue to the Shareholders, at the Cost of the Company, such Statement respecting the Grounds on which he differs from his Colleagues, and respecting the Financial Condition and Prospects of the Company, as he thinks material for the Information of the Shareholders.

Issue of Preferred and Deferred Ordinary Stock.

13. Any Company which in the Year immediately preceding has paid a Dividend on their Ordinary Stock of not less than Three Pounds *per Centum per Annum* may, pursuant to the Resolution of an Extraordinary General Meeting, divide their paid-up Ordinary Stock into Two Classes, to be and to be called the one Preferred Ordinary Stock, and the other Deferred Ordinary Stock, and issue the same subject and according to the following Provisions, and with the following Consequences; (that is to say,)

(1.) Preferred and Deferred Ordinary Stock shall be issued only in substitution for equal Amounts of paid-up Ordinary Stock, and by way of Division of Portions of Ordinary Stock into Two equal Parts:

(2.) Such Division may be made at any Time, on the Request in Writing of the Holder of paid-up Ordinary Stock, but not otherwise; and such Request may apply to the whole of the Ordinary Stock of such Holder, or to any Portion thereof divisible into Twentieth Parts:

(3.) Preferred Ordinary Stock and Deferred Ordinary Stock shall not be issued except in Sums of Ten Pounds or Multiples of Ten Pounds:

(4.) The Certificates for any Ordinary Stock divided into Preferred and Deferred Ordinary Stock shall before such Division be delivered up to the Company, and shall be cancelled by them, and Certificates for Preferred Ordinary Stock and Deferred Ordinary Stock shall be issued *gratis* in exchange by the Company:

(5.) If in any Case there is any Part of the Ordinary Stock held by a Stockholder comprised in One Certificate which he does not desire to be divided, or which is incapable of Division, under the Provisions of this Act, the Company shall issue to him *gratis* a Certificate for that Amount as Ordinary Stock:

(6.) As between Preferred Ordinary Stock and Deferred Ordinary Stock, Preferred Ordinary Stock shall bear a fixed maximum Dividend at the Rate of Six *per Centum per Annum*:

(7.) In respect of Dividend to the Extent of the Maximum aforesaid, Preferred Ordinary Stock shall at the Time of its Creation, and at all Times afterwards, have Priority over Deferred Ordinary Stock created or to be created, and shall rank *pari passu* with the undivided Ordinary Stock and the Ordinary Shares of the Company created or to be created; and in respect of Dividend, Preferred Ordinary Stock shall at all Times and to all Intents rank after all preference and guaranteed Stock and Shares of the Company created or to be created:

(8.) In each Year after all Holders of Preferred Ordinary Stock for the Time being issued have received in full the maximum Dividend aforesaid, all Holders of Deferred Ordinary Stock for the Time being issued shall, in respect of all Dividend exceeding that Maximum paid by the Company in that Year on Ordinary Stock and Shares, rank *pari passu* with the Holders of undivided Ordinary Stock and of Ordinary Shares of the Company for the Time being issued:

(9.) If, nevertheless, in any Year ending on the Thirty-first Day of *December* there are not Profits available for Payment to all the Holders of Preferred Ordinary Stock of the maximum Dividend aforesaid, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company:

(10.) Preferred Ordinary Stock and Deferred Ordinary Stock from Time to Time shall confer such Right of voting at Meetings of the Company, and shall confer and have all such other Rights, Qualifications, Privileges, Liabilities, and Incidents, as from Time to Time attach and are incident to undivided Ordinary Stock of the Company:

(11.) The Terms and Conditions on which any Preferred Ordinary Stock or Deferred Ordinary Stock is issued shall be stated on the Certificate thereof:

(12.) Pre-

(12.) Preferred Ordinary Stock and Deferred Ordinary Stock shall respectively be held on the same Trusts, and subject to the same Charges and Liabilities, as those on and subject to which the Ordinary Stock in substitution for which the same are issued was held immediately before the Substitution, and so as to give Effect to any testamentary or other Disposition of or affecting such Ordinary Stock.

II.—*Obligations and Liability of Companies as Carriers.*

Liability of Company during Sea Transit.

14. Where a Company by Through Booking contracts to carry any Animals, Luggage, or Goods from Place to Place partly by Railway and partly by Sea, or partly by Canal and partly by Sea, a Condition exempting the Company from Liability for any Loss or Damage which may arise during the Carriage of such Animals, Luggage, or Goods by Sea from the Act of God, the King's Enemies, Fire, Accidents from Machinery, Boilers, and Steam, and all and every other Dangers and Accidents of the Seas, Rivers, and Navigation, of whatever Nature and Kind soever, shall, if published in a conspicuous Manner in the Office where such Through Booking is effected, and if printed in a legible Manner on the Receipt or Freight Note which the Company gives for such Animals, Luggage, or Goods, be valid as Part of the Contract between the Consignor of such Animals, Luggage, or Goods and the Company in the same Manner as if the Company had signed and delivered to the Consignor a Bill of Lading containing such Condition. For the Purposes of this Section the Word "Company" includes the Owners, Lessees, or Managers of any Canal or other Inland Navigation.

Fares to be posted in Stations.

15. On and after the First Day of *January* One thousand eight hundred and sixty-nine every Company shall cause to be exhibited in a conspicuous Place in the Booking Office of each Station on their Line a List or Lists painted, printed, or written in legible Characters, containing the Fares of Passengers by the Trains included in the Time Tables of the Company from that Station to every Place for which Passenger Tickets are there issued.

Provision for securing Equality of Treatment where Railway Company works Steam Vessels.

16. Where a Company is authorized to build, or buy, or hire, and to use, maintain, and work, or to enter into Arrangements for using, maintaining, or working, Steam Vessels for the Purpose of carrying on a Communication between any Towns or Ports, and to take Tolls in respect of such Steam Vessels, then and in every such Case Tolls shall be at all Times charged to all Persons equally and after the same Rate in respect of Passengers conveyed in a like Vessel passing between the same Places under like Circumstances; and no Reduction

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tion or Advance in the Tolls shall be made in favour of or against any Person using the Steam Vessels in consequence of his having travelled or being about to travel on the whole or any Part of the Company's Railway, or not having travelled or not being about to travel on any Part thereof, or in favour of or against any Person using the Railway in consequence of his having used or being about to use, or his not having used or not being about to use, the Steam Vessels; and where an aggregate Sum is charged by the Company for Conveyance of a Passenger by a Steam Vessel and on the Railway, the Ticket shall have the Amount of Toll charged for Conveyance by the Steam Vessel distinguished from the Amount charged for Conveyance on the Railway.

The Provisions of the Railway and Canal Traffic Act, 1854, so far as the same are applicable, shall extend to the Steam Vessels and to the Traffic carried on thereby.

Company bound to furnish Particulars of Charges for Goods.

17. Where any Charge shall have been made by a Company in respect of the Conveyance of Goods over their Railway, on Application in Writing within One Week after Payment of the said Charge made to the Secretary of the Company by the Person by whom or on whose Account the same has been paid, the Company shall within Fourteen Days render an Account to the Person so applying for the same, distinguishing how much of the said Charge is for the Conveyance of the said Goods on the Railway, including therein Tolls for the Use of the Railway, for the Use of Carriages, and for locomotive Power, and how much of such Charge is for loading and unloading, covering, Collection, Delivery, and for other Expenses, but without particularizing the several Items of which the last-mentioned Portion of the Charge may consist.

Charge when Two Railways worked by One Company.

18. Where Two Railways are worked by One Company, then in the Calculation of Tolls and Charges for any Distances in respect of Traffic (whether Passengers, Animals, Goods, Carriages, or Vehicles) conveyed on both Railways, the Distances traversed shall be reckoned continuously on such Railways as if they were One Railway.

Proceedings in case of Non-consumption of Smoke.

19. Where Proceedings are taken against a Company using a Locomotive Steam Engine on a Railway on account of the same not consuming its own Smoke, then if it appears to the Justices before whom the Complaint is heard that the Engine is constructed on the Principle of consuming its own Smoke, but that it failed to consume its own Smoke, as far as practicable, at the Time charged in the Complaint through the Default of the Company,

pany, or of any Servant in the Employment of the Company, such Company shall be deemed guilty of an Offence under the Railways Clauses Consolidation Act, 1845, Section One hundred and fourteen.

Smoking Compartments for all Classes.

20. All Railway Companies, except the *Metropolitan* Railway Company, shall, from and after the First Day of *October* next, in every Passenger Train where there are more Carriages than One of each Class, provide Smoking Compartments for each Class of Passengers, unless exempted by the Board of Trade.

Railway Companies to be liable to Penalties in case they shall provide Trains for Prize Fights.

21. Any Railway Company that shall knowingly let for Hire or otherwise provide any Special Train for the Purpose of conveying Parties to or to be present at any Prize Fight, or who shall stop any ordinary Train to convenience or accommodate any Parties attending a Prize Fight at any Place not an ordinary Station on their Line, shall be liable to a Penalty, to be recovered in a summary Way before Two Justices of the County in which such Prize Fight shall be held or shall be attempted to be held, of such Sum not exceeding Five hundred Pounds, and not less than Two hundred Pounds, as such Justices shall determine, One Half of such Penalty to be paid to the Party at whose Suit the Summons shall be issued, and the other Half to be paid to the Treasurer of the County in which such Prize Fight shall be held or shall be attempted to be held in aid of the County Rate; and Service of the Summons under which the Penalty is sought to be enforced on the Secretary of the Company at his Office Ten Days before the Day of Hearing shall be sufficient to give the Justices before whom the Case shall come Jurisdiction to hear and determine the Case.

III.—*Provisions for Safety of Passengers.*

Communication between Passengers and the Company's Servants.

22. After the First Day of *April* One thousand eight hundred and sixty-nine every Company shall provide, and maintain in good Working Order, in every Train worked by it which carries Passengers, and travels more than Twenty Miles without stopping, such efficient Means of Communication between the Passengers and the Servants of the Company in charge of the Train as the Board of Trade may approve. If any Company makes default in complying with this Section it shall be liable to a Penalty not exceeding Ten Pounds for each Case of Default. Any Passenger who makes use of the said Means of Communication without reasonable and sufficient Cause shall be liable for each Offence to a Penalty not exceeding Five Pounds.

23. If

Regulation of Railways.

Penalty for Trespasses on Railways.

23. If any Person shall be or pass upon any Railway, except for the Purpose of crossing the same at any authorized Crossing, after having received Warning by the Company which works such Railway, or by any of their Agents or Servants, not to go or pass thereon, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Trees dangerous to Railways may be removed.

24. If any Tree standing near to a Railway shall be in Danger of falling on the Railway so as to obstruct the Traffic, it shall be lawful for any Two Justices on the Complaint of the Company which works such Railway to cause such Tree to be removed or otherwise dealt with as such Justices may order, and the Justices making such Order may award Compensation to be paid by the Company making such Complaint to the Owner of the Tree so ordered to be removed or otherwise dealt with as such Justices shall think proper, and the Amount of such Compensation shall be recoverable in like Manner as Compensation recoverable before Justices under "The Railways Clauses Consolidation Act, 1845."

IV.—*Compensation for Accidents.*

Arbitration of Damages.

25. Where a Person has been injured or killed by an Accident on a Railway, the Board of Trade, upon Application in Writing made jointly by the Company from whom Compensation is claimed and the Person if he is injured, or his Representatives if he is killed, may, if they think fit, appoint an Arbitrator, who shall determine the Compensation (if any) to be paid by the Company.

Examination by Medical Man.

26. Whenever any Person injured by an Accident on a Railway claims Compensation on account of the Injury, any Judge of the Court in which Proceedings to recover such Compensation are taken, or any Person who by the Consent of the Parties or otherwise has Power to fix the Amount of Compensation, may order that the Person injured be examined by some duly qualified Medical Practitioner named in the Order, and not being a Witness on either Side, and may make such Order with respect to the Costs of such Examination as he may think fit.

V.—*Light Railways.*

Order for Construction and working of Railway as a light Railway.

27. The Board of Trade may by Licence authorize a Company applying for it to construct and work or to work as a light Railway the whole or any Part of a Railway which the Company has Power to construct or work.

Before

Regulation of Railways.

Before granting the Licence the Board of Trade shall cause due Notice of the Application to be given, and shall consider all Objections and Representations received by them, and shall make such Inquiry as they think necessary.

Conditions and Regulations for light Railway.

28. A light Railway shall be constructed and worked subject to such Conditions and Regulations as the Board of Trade may from Time to Time impose or make: Provided, that (1.) the Regulations respecting the Weight of Locomotive Engines, Carriages, and Vehicles to be used on such Railway shall not authorize a greater Weight than Eight Tons to be brought upon the Rails by any One Pair of Wheels; (2.) the Regulations respecting the Speed of Trains shall not authorize a Rate of Speed exceeding at any Time Twenty-five Miles an Hour.

If the Company or any Person fails to comply with or acts in contravention of such Conditions and Regulations, or directs any one so to fail or act, such Company and Person shall respectively be liable to a Penalty for each Offence not exceeding Twenty Pounds, and to a like Penalty for every Day during which the Offence continues; and every such Person on Conviction on Indictment for any Offence relating to the Weight of Engines, Carriages, or Vehicles, or the Speed of Trains, shall be also liable to Imprisonment, with or without Hard Labour, for any Term not exceeding Two Years.

Publication of Regulations.

29. The Conditions and Regulations of the Board of Trade relating to light Railways shall be published and kept published by the Company in manner directed with respect to Byelaws by Section One hundred and ten of "The Railways Clauses Consolidation Act, 1845," and the Company shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Conditions and Regulations are not so published.

VI.—*Arbitrations by Board of Trade.*

Arbitrator appointed by Board of Trade.

30. Whenever the Board of Trade are required to make any Award or to decide any Difference in any Case in which a Company is one of the Parties, they may appoint an Arbitrator to act for them, and his Award or Decision shall be deemed to be the Award or Decision of the Board of Trade.

If the Arbitrator dies, or in the Judgment of the Board of Trade becomes incapable or unfit, the Board of Trade may appoint another Arbitrator.

Remuneration of Arbitrator.

31. The Board of Trade may fix the Remuneration of any Arbitrator or Umpire appointed by them in pursuance of this or any other Act in any Case where a Company is one of the Parties, and

and may, if they think fit, frame a Scale of Remuneration for Arbitrators or Umpires so appointed by them, and no Arbitrator or Umpire so appointed by them shall be entitled to any larger Remuneration than the Amount fixed by the Board of Trade.

Cost, &c. of Arbitrations.

32. The Provisions of Sections Eighteen to Twenty-nine, both inclusive, of the Railway Companies Arbitration Act, 1859, shall, so far as is consistent with the Tenor thereof, apply to an Arbitrator appointed by the Board of Trade, and to his Arbitration and Award, notwithstanding that one of the Parties between whom he is appointed to arbitrate may not be a Railway Company; and in construing those Sections for the Purpose of this Act the Word "Companies" shall be construed to mean the Parties to the Arbitration.

Costs, Charges, &c. to be taxed and settled by Masters of the Court of Queen's Bench.

33. All disputed Questions as to any Costs, Charges, and Expenses of and incident to any Arbitration or Award made under the Provisions of "The Lands Clauses Consolidation Act, 1845," or of any Special Act of Parliament incorporating the same, whether the Question in dispute arise as to Compensation to be made for Lands required to be purchased and actually taken by any Railway Company, or in respect of the injurious affecting of other Lands not taken, or otherwise in relation thereto, shall, if either Party so requires, be taxed and settled as between the Parties by One of the Masters of the Court of Queen's Bench; and it shall be lawful for such Master to receive and take in respect of each Folio in Length of every Bill of Costs so settled a Fee of One Shilling and no more, and such Fee shall be taken in Money and not in Stamps, and may be retained by the said Master for his own Use and Benefit.

VII.—*Miscellaneous.*

Printed Copies of Shareholders Address Book.

34. Every incorporated Company shall print correct Copies of the Shareholders Address Book of the Company corrected up to the First Day of *December* in every Year, and affix an Asterisk against the Names of those qualified to act as Directors.

After the Expiration of One Fortnight from the aforesaid Date the Company shall, on Application, supply such printed Copies at a Price not exceeding Five Shillings for each Copy to every Person who holds any Ordinary or Preference Shares or Stock in the Company, or any Mortgage Debenture or Debenture Stock of the Company.

Any Company which acts in contravention of this Section shall be liable for each Offence to a Penalty not exceeding Twenty Pounds.

Meeting preliminary to Appli-

35. When a Bill is introduced into either House of Parliament conferring on an incorporated Company additional Powers, or when

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an incorporated Company applies to the Board of Trade for a Certificate conferring on it additional Powers, the following Provisions shall have Effect; namely, Application for Act or Certificate.

1st. Before the Bill is read a Second Time in the House of Parliament into which it is first introduced, or before the Application is made to the Board of Trade (as the Case may be), the Bill or Draft Certificate (as the Case may be) shall be submitted to a Meeting of the Proprietors of such Company at a Meeting held specially for that Purpose:

2d. Such Meeting shall be called by Advertisement inserted once in each of Two consecutive Weeks in a Morning Newspaper published in *London*, *Edinburgh*, or *Dublin*, as the Case may be, and in a Newspaper of the County or Counties in which the principal Office or Offices of the Company is or are situate, and also by a Circular addressed to each Proprietor at his registered or last known or usual Address, and sent by Post or delivered at such Address not less than Ten Days before the holding of such Meeting, enclosing a Blank Form of Proxy, with proper Instructions for the Use of the same; and the same Form of Proxy and the same Instructions shall be sent to every such Proprietor, and shall be addressed to each Proprietor on the Back of the Form of Proxy; but no such Form of Proxy shall be stamped before it is sent out, nor shall the Funds of the Company be used for the stamping of any Proxies, nor shall any Intimation be sent as to any Person to whom the Proxy may be given or addressed; and no other Circular or Form of Proxy relating to such Meeting shall be sent to any Proprietor from the Office of the Company, or by any Director or Officer of the Company so describing himself:

3d. Such Meeting shall be held on a Day not earlier than Seven Days after the last Insertion of such Advertisement, and may be held on the same Day as an ordinary General Meeting of the Company:

4th. At such Meeting the Bill or Draft Certificate shall be submitted to the Proprietors, and shall not be proceeded with unless approved of by Proprietors present in Person or by proxy, holding at least Three Fourths of the paid-up Capital of the Company represented at such Meeting, such Proprietors being qualified to vote at all ordinary Meetings of the Company in right of such Capital; the Votes of Proprietors of any paid-up Shares or Stock, other than Debenture Stock, not qualified to vote at ordinary Meetings, whose Interests may be affected

by the proposed Act or Certificate, if tendered at the Meeting, shall be recorded separately:

5th. There shall be laid before Parliament or the Board of Trade (as the Case may require) a Statement of the Number of Votes if a Poll was taken, and the Number of Votes recorded separately.

Special Trains exclusively for Post Office.

36. Whenever in pursuance of any Notice under the Act of the Session of the First and Second Years of the Reign of Her present Majesty, Chapter Ninety-eight, "to provide for the Conveyance of "Mails by Railways," or otherwise, the Mails or Post Letter Bags are conveyed and forwarded by a Company on their Railway by a Special Train, the Postmaster General may by the same or any other Notice in Writing require that the whole of such Special Train shall be appropriated to the Service of the Post Office exclusively of all other Traffic except such as he may sanction, and the Remuneration to be paid for such Service shall be settled as prescribed by the Sixth Section of that Act.

Service of Requisitions, &c. by Postmaster General.

37. All Requisitions, Notices, and Documents which relate to a Company, if purporting to be signed by the Postmaster General or some Secretary or Assistant Secretary to the Post Office, or by some Officer appointed for the Purpose by the Postmaster General, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Postmaster General, and the Provisions of the Act of the Session of the First and Second Years of the Reign of Her present Majesty, Chapter Ninety-eight, "to "provide for the Conveyance of Mails by Railways," requiring any Notice, Requisition, or Document to be under the Hand of the Postmaster General, are hereby repealed.

Extension of Scope of Railway Companies Powers Act, 1864.

38. The Railway Companies Powers Act, 1864, shall take effect and apply in the following Cases in the same Manner as if they were specified in Section Three of that Act; (that is to say,)

Where a Company desire to make new Provisions, or to alter any of the Provisions of their Special Act, or of the "Companies Clauses Consolidation Act, 1845," so far as it is incorporated therewith, with respect to all or any of the Matters following; namely,

(a.) The General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders:

(b.) The Appointment, Number, and Rotation of Directors:

(c.) The Powers of Directors:

(d.) The Proceedings and Liabilities of Directors:

(e.) The Appointment and Duties of Auditors.

39. All

Service of Requisitions, &c.

39. All Requisitions, Orders, Regulations, Appointments, Certificates, Licences, Notices, and Documents which relate to a Company, if purporting to be signed by some Secretary or Assistant Secretary of or by some Officer appointed for the Purpose by the Board of Trade, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Board of Trade. They may be served by the Board of Trade on any Company in the Manner in which Notices may be served under the Companies Clauses Consolidation Act, 1845; and all Notices, Returns, and other Documents required to be made, delivered, or sent by a Company to the Board of Trade shall be left at the Office of, or transmitted through the Post addressed to, the Board of Trade.

Recovery, &c. of Penalties.

40. Every Penalty imposed by this Act shall be recovered and applied in the same Manner as Penalties imposed by the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, (as the Case may require,) are for the Time being recoverable and applicable.

Company may apply to Common Law Judge at Westminster to hear Cases of Compensation under 8 & 9 Vict. c. 18.

41. Whenever, in the Case of any Lands purchased or taken otherwise than by Agreement for the Purposes of any public Railway, any Question of Compensation in respect thereof, or any Question of Compensation in respect of Lands injuriously affected by the Execution of the Works of any public Railway, is under the Provisions of "The Lands Clauses Consolidation Act, 1845," to be settled by the Verdict of a Jury empannelled and summoned as in that Act mentioned, the Company or the Party entitled to the Compensation may, at any Time before the issuing by the Company to the Sheriff as by that Act directed, apply to a Judge of any One of the Superior Courts of Common Law at *Westminster*, who shall, if he think fit, make an Order for Trial of the Question in One of the Superior Courts upon such Terms and in such Manner as to him shall seem fit; and the Question between the Parties shall be stated in an Issue to be settled in case of Difference by the Judge, or as he shall direct, and such Issue may be entered for Trial and tried accordingly in the same Manner as any Issue joined in an ordinary Action at such Place as the Judge shall direct; and the Proceedings in respect of such Issue shall be under and subject to the Control and Jurisdiction of the Court as in ordinary Actions therein, but so nevertheless that the Jury shall, where the Issue relates to the Value of Lands to be purchased, and also to Compensation claimed for Injury done or to be done to Lands held therewith, deliver their Verdict separately in manner provided by the Forty-ninth Section of "The Lands Clauses Consolidation Act, 1845."

42. When-

Company may obtain Judge's Order instead of issuing Warrant.

42. Whenever a Company is called upon or liable under the Provisions of "The Lands Clauses Consolidation Act, 1845," to issue their Warrant to the Sheriff in the Case of any disputed Compensation, and the Company shall obtain a Judge's Order as in the last preceding Section mentioned, the obtaining of such an Order and Notice thereof to the opposite Party shall be a Satisfaction of the Company's Duty in respect of the Issue of the Warrant.

Power of Verdict of Jury and Judgment of the Court.

43. The Verdict of the Jury and Judgment of the Court upon any Issue authorized by this Act shall, as regards Costs and every other Matter incident to or consequent thereon, have the same Operation and be entitled to the same Effect as if that Verdict and Judgment had been the Verdict of a Jury and Judgment of a Sheriff upon an Inquiry conducted upon a Warrant to the Sheriff issued by the Company under "The Lands Clauses Consolidation Act, 1845."

Interpretation of certain Expressions.

44. In so far as any Expression used in any of the three preceding Sections of this Act has any special Meaning assigned to it by "The Lands Clauses Consolidation Act, 1845," each such Expression shall in this Act have the Meaning so assigned to it.

Fees to Masters for determining Questions of disputed Compensation.

45. Wherever under the Provisions of the Lands Clauses Consolidation Act, 1845, or of any Act incorporating, altering, or amending the same, the Costs of any Proceedings for determining a Question of disputed Compensation are settled by One of the Masters of the Court of Queen's Bench in *England* or *Ireland*, it shall be lawful for such Masters to receive and take in respect of each Folio in Length of every Bill of Costs so settled a Fee of One Shilling and no more; and such Fee shall be taken in Money and not in Stamps, and may be retained by the said Masters for their own Use and Benefit.

Extension of Time.

46. Where Notice in Writing of a proposed Application under "The Railways (Extension of Time) Act, 1868," for Extension of the Time limited for any of the Purposes mentioned in that Act, is received by the Board of Trade before the Expiration of such Time, or if the Time has expired during the present Session of Parliament before the First Day of *September* One thousand eight hundred and sixty-eight, and the Application is duly made within the Period prescribed by the said Act, then a Warrant of the Board of Trade extending the Time, although issued after the Expiration thereof, shall have Effect from the Date of such Expiration as if it had been previously issued.

47. The

47. The Enactments described in the Second Schedule to this Act are hereby repealed. As to Repeal of Enactments in Second Schedule.

But this Repeal shall not affect—

(1.) The Validity or Invalidity of anything duly done or suffered under any Enactment repealed by this Section:

(2.) Any Right acquired or accrued or Liability incurred, or any Remedy in respect thereof.

SCHEDULES.

FIRST SCHEDULE.

FORMS OF ACCOUNT referred to in Sec. 3. of this Act.

_____ RAILWAY. HALF YEAR ENDING _____ 18 .

[No. 1.] STATEMENT OF CAPITAL AUTHORIZED, AND CREATED BY THE COMPANY.

ACTS OF PARLIAMENT, or Certificates of the Board of Trade.	CAPITAL AUTHORIZED.			CAPITAL CREATED OR SANCTIONED.			BALANCE.		
	Stock and Shares.	Loans.	Total.	Stock and Shares.	Loans.	Total.	Stock and Shares.	Loans.	Total.
	£	£	£	£	£	£	£	£	£
1. 2. 3. 4 5. &c. [*Except where Capital Powers are comprised in a Consolidation Act, each Act or Certificate authorizing Capital to be stated here separately in order of Date.*]									
TOTAL									

[No. 2.] STATEMENT OF STOCK AND SHARE CAPITAL CREATED, SHOWING THE PROPORTION RECEIVED.

DESCRIPTION.	Amount created.	Amount received.	Calls in arrear.	Amount uncalled.	Amount unissued.
	£	£	£	£	£
[*State each Class of Stock or Shares in order of Date of Creation, showing the Premium or Discount, if any, at which it was issued, the Preferential or fixed Dividends, if any, to which it is entitled, and any other Conditions attached to it.*]					
TOTAL					

[No. 3.] CAPITAL RAISED BY LOANS AND DEBENTURE STOCK.

	Raised by Loans.									Raised by Issue of Debenture Stocks.			Total raised by Loans and by Debenture Stocks.
	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	Total Loans.	At per Cent.	At per Cent.	Total Debenture Stocks.	
	£	£	£	£	£	£	£	£	£	£	£	£	£ s. d.
Existing at													
Ditto at													
Increase													
Decrease													

Total Amount authorized to be raised by Loans and by Debenture Stocks in respect of Capital created, as per Statement No. 1. .. ..

Total Amount raised by Loans and by Debenture Stock as above .. ..

Balance being available Borrowing Powers at 186 .. .. ..

[No. 4.] *Dr.* RECEIPTS AND EXPENDITURE ON CAPITAL ACCOUNT. *Cr.*

	Amount Expended to	Amount Expended during Half Year	Total.		Amount Received to	Amount Received during Half Year	Total.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
To Expenditure—				By Receipts—			
On Lines open for Traffic (No. 5.)				Shares and Stock, per Account No. 2.			
On Lines in course of Construction (No. 5.) .				Loans, per Account No. 3.			
Working Stock (No. 5.) .				Debenture Stock, per Account No. 3. ..			
Subscriptions to other Railways (No. 5.) ..				Sundries (in detail) ..			
Docks, Steamboats, and other special Items (No. 5.)							
„ Balance							

[No. 5.] DETAILS OF CAPITAL EXPENDITURE FOR HALF YEAR ENDING 186 .

Lines open for Traffic— Particulars—	[*Showing, under separate Heads, Amount paid for Land (Purchase and Compensation), Construction of Way and Stations, including Rails, Chairs, Sleepers, &c., engineering and surveying, Law Charges, Parliamentary Expenses, Interest, Commission, &c.*]	
Lines in course of Construction— Particulars—		
Working Stock— Particulars—*Showing each Description of Stock*		
Subscriptions to other Railways— Particulars—*Stating Lines*		
Docks, Steamboats, and other special Items— Particulars		
TOTAL Expenditure for Half Year, as per Account No. 4.		

[No. 6.] RETURN OF WORKING STOCK.

	Loco-motive.		Coaching.								Merchandise and Mineral.							
	Engines.	Tenders.	First Class.	Second Class.	Third Class.						Goods Waggons.	Goods Waggons covered.	Coke Trucks.	Cattle Trucks.	Timber Trucks.			
Stock on the 18																		
Ditto on the 18																		
Increase during the Half Year																		
Decrease ditto ditto																		

[No. 7.] ESTIMATE OF FURTHER EXPENDITURE ON CAPITAL ACCOUNT.

	Further Expenditure		
	During the Half Year ending	In subsequent Half Years.	Total.
Lines open for Traffic .. .. (*Particulars, showing principal Items.*)			
Lines in course of Construction .. .. (*Details of each Line.*)			
Working Stock .. .. (*Particulars.*)			
Subscription to other Railways .. .. (*Specifying Lines.*)			
Docks, Steamboats, and other special Items .. .. (*Particulars.*)			
Works not yet commenced and in abeyance (*in detail*)			
Other Items (*in detail*)			
Total estimated further Expenditure of Capital ..			

[No. 8.] CAPITAL POWERS and other ASSETS available to meet further EXPENDITURE, as per No. 7.

Share and Loan Capital authorized or created but not yet received		
Any other Assets (*in detail*)		
Total		

[No. 9.] *Dr.* REVENUE ACCOUNT. *Cr.*

Half Year ended	EXPENDITURE.	£ s. d.	Half Year ended	RECEIPTS.	£ s. d.	£ s. d.
	To Maintenance of Way, Works, and Stations .. } see Abstract A.			By Passengers		
	„ Locomotive Power .. do. B.			„ Parcels, Horses, Carriages, &c.		
	„ Carriage and Waggon Repairs .. .. .. } do. C.			„ Mails		
	„ Traffic Expenses .. .. do. D.			„ Merchandise		
	„ General Charges .. .. do. E.			„ Live Stock		
	„ Law Charges			„ Minerals		
	„ Parliamentary Expenses			„ Special and Miscellaneous Receipts— *Such as Navigations, Steamboats, Rents, Transfer Fees, &c.*		
	„ Compensation (Accidents and Losses) ..					
	„ Rates and Taxes			*Details.*		
	„ Government Duty					
	„ Special and Miscellaneous Expenses (if any)					
	„ Balance carried to Net Revenue Account					
	£			£		

[No. 10.] *Dr.* NET REVENUE ACCOUNT. *Cr.*

Half Year ended		£ s. d.	Half Year ended		£ s. d.
	To Interest on Mortgage and Debenture Loans			By Balance brought from last Half Year's Account	
	„ Interest on Debenture Stock			„ Ditto Revenue Account, No. 9.	
	„ Interest on Calls in Advance			„ Dividends on Shares in other Companies	
	„ Interest on Temporary Loans			„ Bankers and General Interest Account (if in Credit)	
	„ Interest on Lloyd's Bonds			„ Special and Miscellaneous Receipts (if any)	
	„ Interest on Banking Balances			*(Detail to be given.)*	
	„ General Interest Account (if in Debit) ..				
	„ Rents of Leased Lines, Guarantees, &c... Details				
	„ Special and Miscellaneous Payments (if any) .. .. *Details.*				
	„ Balance, being Payment available for Dividend .. .. [*See No.* 13.]				
	£			£	

[No. 11.] PROPOSED APPROPRIATION OF BALANCE AVAILABLE FOR DIVIDEND.

Half Year ended		
	Balance available for Dividend, as per Account No. 10. .. .. £	
	Preference Stock, Ditto, Ditto } to be stated in order of Creation, with Rate of Dividend.	£
	Ordinary Stock (being at the Rate of per cent.)	
	Balance to next Half Year .. .. .. £	

[No. 12.] ABSTRACTS.

A. MAINTENANCE OF WAY, WORKS, &c.

Half Year ended		£ s. d.	£ s. d.
	Salaries, Office Expenses, and General Superintendence ..		
	Maintenance and Renewal of Permanent Way		
	Wages		
	Materials		
	Repairs of Roads, Bridges, Signals, and Works		
	Repairs of Stations and Buildings		
	Special Expenditure (if any) ..		
	MILES MAINTAINED ..		
	Double		
	Single		
	Total		
	Total ..		

B. LOCOMOTIVE POWER.

Half Year ended		£ s. d.	£ s. d.
	Salaries, Office Expenses, and General Superintendence ..		
	RUNNING EXPENSES:—		
	Wages connected with the working of Locomotive Engines		
	Coal and Coke		
	Water		
	Oil, Tallow, and other Stores		
	REPAIRS AND RENEWALS:—		
	Wages		
	Materials		
	Special Expenditure		
	.. .. £		

C. REPAIRS AND RENEWALS OF CARRIAGES AND WAGGONS.

Half Year ended		£ s. d.	£ s. d.
	CARRIAGES:—		
	Salaries, Office Expenses, and General Superintendence .		
	Wages		
	Materials		
	WAGGONS:—		
	Salaries, Office Expenses, and General Superintendence .		
	Wages		
	Materials		
	TOTAL		

D. TRAFFIC EXPENSES.

Half Year ended		£ s. d.
	Salaries and Wages, &c...	
	Fuel, Lighting, Water, and General Stores..	
	Clothing	
	Printing, Stationery, and Tickets	
	Horses, Harness, Vans, Provender, &c. ..	
	Wagon Covers, Ropes, &c.	
	Joint Station Expenses	
	Miscellaneous Expenses	
	Special Expenditure (if any)	

E. GENERAL CHARGES.

Half Year ended		£ s. d.
	Directors	
	Auditors and Public Accountants (if any) ..	
	Salaries of Secretary, General Manager, Accountant, and Clerks	
	Office Expenses ditto ditto	
	Advertising..	
	Fire Insurance	
	Electric Telegraph Expenses	
	Railway Clearing House Expenses	
	Special Expenditure (if any)	

[No. 13.] *Dr.* GENERAL BALANCE SHEET. *Cr.*

	£ s. d.		£ s. d.
To Capital Account, Balance at Credit thereof, as per Account No. 4.		By Cash at Bankers—Current Account	
„ Net Revenue Account, Balance at Credit thereof, as per Account No. 10.		„ Cash on Deposit at Interest	
„ Unpaid Dividends and Interest		„ Cash invested in Consols and Government Securities	
„ Guaranteed Dividends and Interest payable or accruing and provided for		„ Cash invested in Shares of other Railway Companies not charged as Capital Expenditure	
„ Temporary Loans		„ General Stores—Stock of Materials on hand ..	
„ Lloyd's Bonds and other Obligations not included in Loan Capital Statement, No. 3...		„ Traffic Accounts due to the Company	
„ Balance due to Bankers		„ Amounts due by other Companies	
„ Debts due to other Companies		„ Do. do. Clearing House..	
„ Amount due to Clearing House		„ Do. do. Post Office	
„ Sundry Outstanding Accounts		„ Sundry Outstanding Accounts	
„ Fire Insurance Fund on Stations, Works, and Buildings		„ Suspense Accounts (if any) *to be enumerated* .	
„ Insurance Fund on Steamboats		„ Special Items	
„ Special Items..			
£		£	

[No. 14.] MILEAGE STATEMENT.

Half Year ended		Miles authorized.	Miles constructed.	Miles constructing or to be constructed.	Miles worked by Engines.
	Lines owned by Company				
	Do. partly owned				
	Do. leased or rented				
	TOTAL				
	Do. worked				
	Foreign Lines worked over..				
	TOTAL				

[No. 15.] STATEMENT OF TRAIN MILEAGE.

Half Year ended		
	Passenger Trains	
	Goods and Mineral Trains	
	TOTAL	

(Signed)_____ *Chairman or Deputy Chairman of Company.*

_____ *Secretary or Accountant of Company.*

CERTIFICATE RESPECTING THE PERMANENT WAY, &c.

I hereby certify that the whole of the Company's Permanent Way, Stations, Buildings, Canals, and other Works have during the past Half Year been maintained in good working Condition and Repair.

Engineer.

Date _____ 18 .

CERTIFICATE RESPECTING THE ROLLING STOCK.

I hereby certify that the whole of the Company's Plant, Engines, Tenders, Carriages, Waggons, Machinery, and Tools, also the Marine Engines of the Steam Vessels, have during the past Half Year been maintained in good working Order and Repair.

Chief Engineer, or
Locomotive Superintendent.

Date _____ 18 .

AUDITOR'S CERTIFICATE.

As prescribed by Act 30 and 31 Victoria, Cap. 37, to follow.

SECOND SCHEDULE.

Date and Chapter of Act.	Title of Act.	
3 & 4 Vict. c. 97. (in part.)	An Act for regulating Railways Section Twenty.	in part; namely,—
5 & 6 Vict. c. 55. (in part.)	An Act for the better Regulation of Railways, and for the Conveyance of Troops Section Nineteen.	in part; namely,—
7 & 8 Vict. c. 85. (in part.)	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways Section Twenty-three.	in part; namely,—

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

***

&c. in Dioceses herein named.

Ministers, Catechists, and Schoolmasters in the Dioceses of *Jamaica*, *Barbados*, *Antigua*, and *Guiana*:

And whereas it is expedient that the said Consolidated Fund should be gradually relieved from such Payments, and that, except as herein-after mentioned, no Bishop, Archdeacon, Minister, Catechist, or Schoolmaster who may be hereafter appointed in Her Majesty's *West Indian* Possessions shall receive any Salary, Payment, or other Allowance out of the growing Produce of the said Consolidated Fund:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Person hereafter appointed Bishop, Archdeacon, Minister, or Catechist under recited Acts, or under any Letters Patent granted in pursuance thereof, to receive Salary out of Consolidated Fund.

1. No Person who, after the passing of this Act, shall be appointed Bishop of any Diocese in Her Majesty's *West Indian* Possessions, or who, after the passing of this Act, shall be appointed Archdeacon, Minister, Catechist, or Schoolmaster in any such Diocese, shall receive under the Provisions of said Acts, in respect of any such Appointment, any Salary or other Sum whatsoever out of the growing Produce of the Consolidated Fund of the United Kingdom; and all the Powers, Provisions, and Clauses in the said recited Acts, or any of them, or in any other Act contained, so far as they are inconsistent with this Enactment, are hereby repealed.

Provided always, that nothing herein contained shall authorize any Diminution during the Life and Incumbency of any Bishop or Archdeacon of any Salary of which he is now in the Receipt; and that every Minister, Catechist, and Schoolmaster in the said Dioceses to whom at the Time of the passing of this Act any Sum has been appropriated and made payable as aforesaid under the said Act of the Fifth Year of the Reign of Her present Majesty shall continue to receive the same, but no larger Sum thereunder, so long as he shall hold the Appointment, and, subject to any Leave of Absence which may be granted to him by the Officer administering the Government of the Colony, perform the Duties in respect of which such Sum was so appropriated and made payable to him, or, subject as aforesaid, so long as he shall perform within the said Colony such other Duties as may be imposed on him by the Bishop of the Diocese in addition to, or in lieu of, the Duties attached to the Appointment which he now holds.

Coadjutor Bishop to act as at present in case of Vacancy of See of Jamaica.

2. In the event of a Vacancy of the said See or Diocese of *Jamaica* the present Coadjutor Bishop shall, so long as he administers the said Diocese as such Coadjutor, continue to act in the same Manner as at present as Archdeacon of *Middlesex*.

3. There

3. There shall be presented to Parliament annually a Return of the Amount paid out of the Consolidated Fund for Ecclesiastical Purposes in the *West Indies*, and of the Appropriation of it to different Islands and Persons therein, with their respective Offices. Amount of certain Payments to be laid before Parliament annually.

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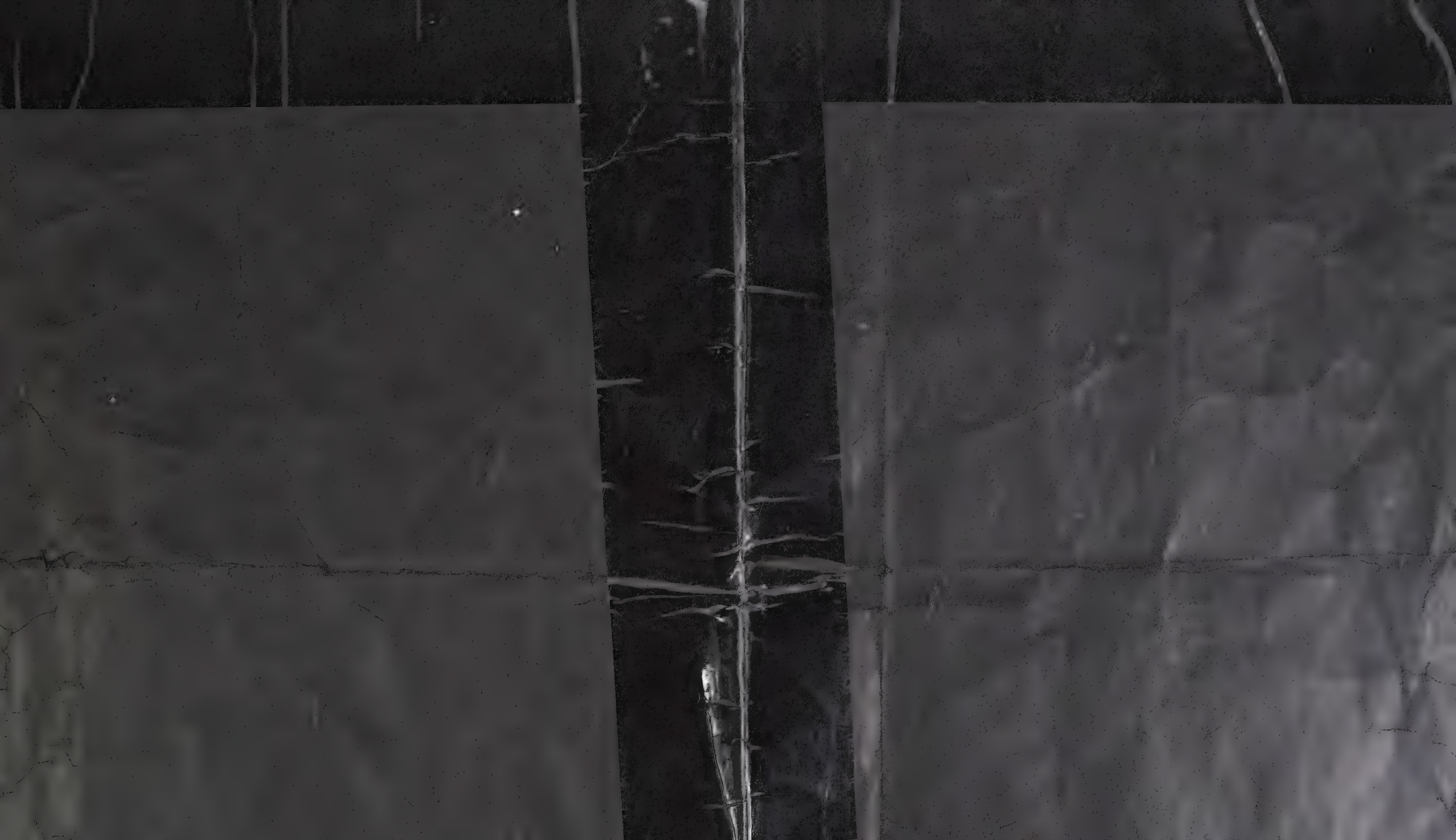

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXI.

An Act to regulate the Sale of Poisons, and alter and amend the Pharmacy Act, 1852.

[31st *July* 1868.]

WHEREAS it is expedient for the Safety of the Public that Persons keeping open Shop for the retailing, dispensing, or compounding of Poisons, and Persons known as Chemists and Druggists, should possess a competent practical Knowledge of their Business, and to that End that from and after the Day herein named all Persons not already engaged in such Business should, before commencing such Business, be duly examined as to their practical Knowledge, and that a Register should be kept as herein provided, and also that the Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Qualification of Pharmaceutical Chemists*, herein-after described as the Pharmacy Act, should be amended: 15 & 16 Vict. c. 56.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

1. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight it shall be unlawful for any Person to sell Persons selling or compounding Poisons,

or assuming the Title of Chemist and Druggist, to be qualified.

sell or keep open Shop for retailing, dispensing, or compounding Poisons, or to assume or use the Title "Chemist and Druggist," or Chemist or Druggist, or Pharmacist, or Dispensing Chemist or Druggist, in any Part of *Great Britain*, unless such Person shall be a Pharmaceutical Chemist, or a Chemist and Druggist within the Meaning of this Act, and be registered under this Act, and conform to such Regulations as to the keeping, dispensing, and selling of such Poisons as may from Time to Time be prescribed by the Pharmaceutical Society with the Consent of the Privy Council.

Articles named in Schedule (A.) to be deemed Poisons within the Meaning of this Act.

2. The several Articles named or described in the Schedule (A.) shall be deemed to be Poisons within the Meaning of this Act, and the Council of the Pharmaceutical Society of *Great Britain* (herein-after referred to as the Pharmaceutical Society) may from Time to Time, by Resolution, declare that any Article in such Resolution named ought to be deemed a Poison within the Meaning of this Act; and thereupon the said Society shall submit the same for the Approval of the Privy Council, and if such Approval shall be given, then such Resolution and Approval shall be advertised in the *London Gazette*, and on the Expiration of One Month from such Advertisement the Article named in such Resolution shall be deemed to be a Poison within the Meaning of this Act.

Chemists and Druggists within Meaning of this Act.

3. Chemists and Druggists within the Meaning of this Act shall consist of all Persons who at any Time before the passing of this Act have carried on in *Great Britain* the Business of a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners, also of all Assistants and Associates who before the passing of this Act shall have been duly registered under or according to the Provisions of the Pharmacy Act, and also of all such Persons as may be duly registered under this Act.

Apprentices and Assistants to be registered.

4. Any Person who at the Time of the passing of this Act shall be of full Age, and shall produce to the Registrar, on or before the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, Certificates according to Schedule (E.) to this Act that he had been for a Period of not less than Three Years actually engaged and employed in the dispensing and compounding of Prescriptions as an Assistant to a Pharmaceutical Chemist, or to a Chemist and Druggist as defined by Clause Three of this Act, shall, on passing such a modified Examination as the Council of the Pharmaceutical Society with the Consent of the Privy Council may declare to be sufficient Evidence of his Skill and Competency to conduct the Business of a Chemist and Druggist, be registered as a Chemist and Druggist under this Act.

5. The

Registration of Chemists and Druggists.

5. The Persons who at the Time of the passing of this Act shall have been duly admitted Pharmaceutical Chemists, or shall be Chemists and Druggists within the Meaning of the Act, shall be entitled to be registered under the Act without paying any Fee for such Registration: Provided, however, as regards any such Chemist and Druggist, that his Claim to be registered must be by Notice in Writing, signed by him, and given to the Registrar, with Certificates according to the Schedules (C.) and (D.) to this Act; and provided also, that for any such Registration of a Chemist and Druggist, unless it be duly claimed by him on or before the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, the Person registered shall pay the same Fee as Persons admitted to the Register after Examination under this Act.

Examiners under Pharmacy Act to be the Examiners under this Act.

Certificate of competent Skill, &c.

6. All such Persons as shall from Time to Time have been appointed to conduct Examinations under the Pharmacy Act shall be and are hereby declared to be Examiners for the Purposes of this Act, and are hereby empowered and required to examine all such Persons as shall tender themselves for Examination under the Provisions of this Act; and every Person who shall have been examined by such Examiners, and shall have obtained from them a Certificate of competent Skill and Knowledge and Qualification, shall be entitled to be registered as a Chemist and Druggist under this Act; and the Examination aforesaid shall be such as is provided under the Pharmacy Act for the Purposes of a Qualification to be registered as Assistant under that Act, or as the same may be varied from Time to Time by any Byelaw to be made in accordance with the Pharmacy Act as amended by this Act; provided that no Person shall conduct any Examination for the Purposes of this Act until his Appointment has been approved by the Privy Council; and such Appointment and Approval shall not in any Case be in force for more than Five Years; moreover it shall be the Duty of the said Pharmaceutical Society to allow any Officer appointed by the said Privy Council to be present during the Progress of any Examination held for the Purposes of this Act.

Application of Fees to Purpose of Pharmaceutical Society.

7. Upon every such Examination and Registration as aforesaid such Fees shall be payable as shall from Time to Time be fixed and determined by any Byelaw to be made in accordance with the Pharmacy Act as amended by this Act, and shall be paid to the Treasurer of the said Society for the Purposes of the said Society.

Registrar under Pharmacy Act to be so under this Act.

8. The Registrar appointed or to be appointed under or by virtue of the Pharmacy Act shall be Registrar for the Purposes of this Act.

9. The

Council of Pharmaceutical Society to make Orders for regulating Register to be kept.

9. The Council of the Pharmaceutical Society shall, with all convenient Speed after the passing of this Act, and from Time to Time as Occasion may require, make Orders or Regulations for regulating the Register to be kept under this Act as nearly as conveniently may be in accordance with the Form set forth in the Schedule (B.) to this Act or to the like Effect, and such Register shall be called the Register of Chemists and Druggists.

Duty of Registrar to make and keep Register.

10. It shall be the Duty of the Registrar to make and keep a correct Register, in accordance with the Provisions of this Act, of all Persons who shall be entitled to be registered under this Act, and to erase the Names of all registered Persons who shall have died, and from Time to Time to make the necessary Alterations in the Addresses of the Persons registered under this Act: to enable the Registrar duly to fulfil the Duties imposed upon him, it shall be lawful for the Registrar to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to carry on Business or has changed his Residence, such Letter to be forwarded by Post as a Registered Letter, according to the Post Office Regulations for the Time being, and if no Answer shall be returned to such Letter within the Period of Six Months from the sending of the Letter, a Second, of similar Purport, shall be sent in like Manner, and if no Answer be given thereto within Three Months from the Date thereof it shall be lawful to erase the Name of such Person from the Register: Provided always, that the same may be restored by Direction of the Council of the Pharmaceutical Society should they think fit to make an Order to that Effect.

Notice of Death of Pharmaceutical Chemist or Chemist and Druggist to be given by Registrars.

11. Every Registrar of Deaths in *Great Britain*, on receiving Notice of the Death of any Pharmaceutical Chemist, or Chemist and Druggist, shall forthwith transmit by Post to the Registrar under the Pharmacy Act a Certificate under his own Hand of such Death, with the Particulars of the Time and Place of Death, and on the Receipt of such Certificate the said Registrar under the Pharmacy Act shall erase the Name of such deceased Pharmaceutical Chemist, or Chemist and Druggist, from the Register, and shall transmit to the said Registrar of Deaths the Cost of such Certificate and Transmission, and may charge the Cost thereof as an Expense of his Office.

Evidence of Qualification to be given before Registration.

12. No Name shall be entered in the Register, except of Persons authorized by this Act to be registered, nor unless the Registrar be satisfied by the proper Evidence that the Person claiming is entitled to be registered; and any Appeal from the Decision of the Registrar

Registrar may be decided by the Council of the Pharmaceutical Society; and any Entry which shall be proved to the Satisfaction of such Council to have been fraudulently or incorrectly made may be erased from or amended in the Register by Order in Writing of such Council.

Annual Register to be published and be Evidence.

13. The Registrar shall, in the Month of *January* in every Year, cause to be printed, published, and sold a correct Register of the Names of all Pharmaceutical Chemists, and a correct Register of all Persons registered as Chemists and Druggists, and in such Registers respectively the Names shall be in alphabetical Order according to the Surnames, with the respective Residences, in the Form set forth in Schedule (B.) to this Act, or to the like Effect, of all Persons appearing on the Register of Pharmaceutical Chemists, and on the Register of Chemists and Druggists, on the Thirty-first Day of *December* last preceding, and such printed Registers shall be called "The Registers of Pharmaceutical Chemists and Chemists and Druggists," and a printed Copy of such Registers for the Time being, purporting to be so printed and published as aforesaid, or any Certificate under the Hand of the said Registrar, and countersigned by the President or Two Members of the Council of the Pharmaceutical Society, shall be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons therein specified are registered according to the Provisions of the Pharmacy Act or of this Act, as the Case may be, and the Absence of the Name of any Person from such printed Register shall be Evidence, until the contrary shall be made to appear, that such Person is not registered according to the Provisions of the Pharmacy Act or of this Act.

Penalty on wilful Falsification of Register, or for obtaining Registration by false Representation.

14. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matter relating to the said Registers, and any Person who shall wilfully procure or attempt to procure himself to be registered under the Pharmacy Act or under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, and any Person aiding or assisting him therein, shall be deemed guilty of a Misdemeanor in *England*, and in *Scotland* of a Crime or Offence punishable by Fine or Imprisonment, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding Twelve Months.

Protection of Titles, and Restrictions on Sale of Poisons.

15. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight any Person who shall sell or keep an open Shop for the retailing, dispensing, or compounding Poisons, or

who shall take, use, or exhibit the Name or Title of Chemist and Druggist, or Chemist or Druggist, not being a duly registered Pharmaceutical Chemist, or Chemist and Druggist, or who shall take, use, or exhibit the Name or Title Pharmaceutical Chemist, Pharmaceutist, or Pharmacist, not being a Pharmaceutical Chemist, or shall fail to conform with any Regulation as to the keeping or selling of Poisons made in pursuance of this Act, or who shall compound any Medicines of the British Pharmacopeia except according to the Formularies of the said Pharmacopeia, shall for every such Offence be liable to pay a Penalty or Sum of Five Pounds, and the same may be sued for, recovered, and dealt with in the Manner provided by the Pharmacy Act for the Recovery of Penalties under that Act; but nothing in this Act contained shall prevent any Person from being liable to any other Penalty, Damages, or Punishment to which he would have been subject if this Act had not passed.

Reserving Rights of certain Persons.

16. Nothing herein-before contained shall extend to or interfere with the Business of any legally qualified Apothecary or of any Member of the Royal College of Veterinary Surgeons of *Great Britain*, nor with the making or dealing in Patent Medicines, nor with the Business of wholesale Dealers in supplying Poisons in the ordinary Course of wholesale Dealing; and upon the Decease of any Pharmaceutical Chemist or Chemist and Druggist actually in Business at the Time of his Death it shall be lawful for any Executor, Administrator, or Trustee of the Estate of such Pharmaceutical Chemist or Chemist and Druggist to continue such Business if and so long only as such Business shall be *bonâ fide* conducted by a duly qualified Assistant, and a duly qualified Assistant within the Meaning of this Clause shall be a Pharmaceutical Chemist or a Chemist and Druggist registered by the Registrar under the Pharmacy Act or this Act: Provided always, that Registration under this Act shall not entitle any Person so registered to practise Medicine or Surgery, or any Branch of Medicine or Surgery.

Regulations to be observed in the Sale of Poisons.

17. It shall be unlawful to sell any Poison, either by Wholesale or by Retail, unless the Box, Bottle, Vessel, Wrapper, or Cover in which such Poison is contained be distinctly labelled with the Name of the Article and the Word Poison, and with the Name and Address of the Seller of the Poison; and it shall be unlawful to sell any Poison of those which are in the First Part of Schedule (A.) to this Act, or may hereafter be added thereto under Section Two of this Act, to any Person unknown to the Seller, unless introduced by some Person known to the Seller; and on every Sale of any such Article the Seller shall, before Delivery, make or cause to be made

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an Entry in a Book to be kept for that Purpose stating, in the Form set forth in Schedule (F.) to this Act, the Date of the Sale, the Name and Address of the Purchaser, the Name and Quantity of the Article sold, and the Purpose for which it is stated by the Purchaser to be required, to which Entry the Signature of the Purchaser and of the Person, if any, who introduced him shall be affixed; and any Person selling Poison otherwise than is herein provided shall, upon a summary Conviction before Two Justices of the Peace in *England* or the Sheriff in *Scotland*, be liable to a Penalty not exceeding Five Pounds for the First Offence, and to a Penalty not exceeding Ten Pounds for the Second or any subsequent Offence, and for the Purposes of this Section the Person on whose Behalf any Sale is made by any Apprentice or Servant shall be deemed to be the Seller; but the Provisions of this Section, which are solely applicable to Poisons in the First Part of the Schedule (A.) to this Act, or which require that the Label shall contain the Name and Address of the Seller, shall not apply to Articles to be exported from *Great Britain* by wholesale Dealers, nor to Sales by wholesale to retail Dealers in the ordinary Course of wholesale Dealing, nor shall any of the Provisions of this Section apply to any Medicine supplied by a legally qualified Apothecary to his Patient, nor apply to any Article when forming Part of the Ingredients of any Medicine dispensed by a Person registered under this Act; provided such Medicine be labelled in the Manner aforesaid, with the Name and Address of the Seller, and the Ingredients thereof be entered, with the Name of the Person to whom it is sold or delivered, in a Book to be kept by the Seller for that Purpose; and nothing in this Act contained shall repeal or affect any of the Provisions of an Act of the Session holden in the Fourteenth and Fifteenth Years in the Reign of Her present Majesty, intituled *An Act to regulate the Sale of Arsenic.*

Chemists and Druggists in Business prior to passing of Act eligible for Election as Members of Pharmaceutical Society.

18. Every Person who at the Time of the passing of this Act is or has been in Business on his own Account as a Chemist and Druggist as aforesaid, and who shall be registered as a Chemist and Druggist, shall be eligible to be elected and continue a Member of the Pharmaceutical Society according to the Byelaws thereof; but no Person shall, in right of Membership acquired pursuant to this Clause, be placed on the Register of Pharmaceutical Chemists, nor, save as is herein-after expressly provided, be eligible for Election to the Council of the Pharmaceutical Society.

Council of Pharmaceutical Society.

19. Every Person who is or has been in Business on his own Account as a Chemist and Druggist as aforesaid at the Time of the passing of this Act, and who shall become a Member of the Pharmaceutical Society, shall be eligible for Election to the Council of the

the Pharmaceutical Society; but the said Council shall not at any Time contain more than Seven Members who are not on the Register of Pharmaceutical Chemists.

Chemists and Druggists registered eligible to be elected Associates, and, being in Business, have the Privilege of voting in the Society, on paying the same Subscriptions as Members.

20. Every Person who shall have been registered as a Chemist and Druggist under this Act by reason of having obtained a Certificate of Qualification from the Board of Examiners shall be eligible to be elected an Associate of the Pharmaceutical Society, and every such Person so elected and continuing as such Associate, being in Business on his own Account, shall have the Privilege of attending all Meetings of the said Society and of voting thereat, and otherwise taking Part in the Proceedings of such Meetings, in the same Manner as Members of the said Society: Provided always, that such Associates contribute to the Funds of the said Society the same Fees or Subscriptions as Members contribute for the Time being under the Byelaws thereof.

Voting Papers for Election of Council.

21. At all Meetings of the Pharmaceutical Society at which Votes shall be given for the Election of Officers all or any of the Votes may be given either personally or by Voting Papers in a Form to be defined in the Byelaws of the said Society, or in a Form to the like Effect, such Voting Papers being transmitted under Cover to the Secretary not less than One clear Day prior to the Day on which the Election is to take place.

Benevolent Fund may be applied to past Members and Associates, also to Pharmaceutical Chemists and registered Chemists and Druggists.

22. And whereas by the Charter of Incorporation of the said Pharmaceutical Society it is provided that the Council of the said Society shall have the sole Control and Management of the Real and Personal Property of the said Society, subject to the Byelaws thereof, and shall make Provision thereout, or out of such Part thereof as they shall think proper, for the Relief of the distressed Members or Associates of the said Society, and their Widows and Orphans, subject to the Regulations and Byelaws of the said Society: And whereas, for extending the Benefits which have resulted from the said Provision in the said Charter of Incorporation, it is desirable that additional Power should be granted to the said Council: Be it enacted, That from and after the passing of this Act the said Council may make Provision out of the Real and Personal Property aforesaid, and out of any special Fund known as the Benevolent Fund, not only for the Relief of the distressed Members or Associates of the said Society and their Widows and Orphans, subject to the said Regulations and Byelaws, but also for all Persons who may have been and have ceased to be Members or Associates of the said Society, or who may be or have been duly registered as "Pharmaceutical Chemists" or "Chemists and Druggists," and the Widows and

and Orphans of such Persons, subject to the Regulations and Bye laws of the said Society.

Registration under "Medical Act."

23. Persons registered under "The Medical Act" shall not be or continue to be registered under this Act.

Adulteration of Food or Drink Act to extend to Medicines.

24. The Provisions of the Act of the Twenty-third and Twenty-fourth of *Victoria*, Chapter Eighty-four, intituled *An Act for preventing the Adulteration of Articles of Food or Drink*, shall extend to all Articles usually taken or sold as Medicines, and every Adulteration of any such Article shall be deemed an Admixture injurious to Health; and any Person registered under this Act who sells any such Article adulterated shall, unless the contrary be proved, be deemed to have Knowledge of such Adulteration.

Acts of Privy Council.

25. On and after the passing of this Act all Powers vested by the Pharmacy Act in One of Her Majesty's Principal Secretaries of State shall be vested in the Privy Council, and the Seventh Section of the Public Health Act, 1858, shall apply to all Proceedings and Acts of the Privy Council herein authorized.

Power to Privy Council to erase Names of Persons from Register.

26. The Privy Council may direct the Name of any Person who is convicted of any Offence against this Act which in their Opinion renders him unfit to be on the Register under this Act to be erased from such Register, and it shall be the Duty of the Registrar to erase the same accordingly.

Extent of Act.

27. This Act shall not extend to *Ireland*.

Short Title.

28. This Act may be cited as The Pharmacy Act, 1868.

SCHEDULES.

SCHEDULE (A.)

Part 1.

Arsenic and its Preparations.
Prussic Acid.
Cyanides of Potassium and all metallic Cyanides.
Strychnine and all poisonous vegetable Alkaloids and their Salts.
Aconite and its Preparations.
Emetic Tartar.
Corrosive Sublimate.
Cantharides.
Savin and its Oil.
Ergot of Rye and its Preparations.

Part 2.

Oxalic Acid.
Chloroform.
Belladonna and its Preparations.
Essential Oil of Almonds unless deprived of its Prussic Acid.
Opium and all Preparations of Opium or of Poppies.

SCHEDULE (B.)

Name.	Residence.	Qualification.
A.B.	*Oxford Street, London.*	In Business prior to Pharmacy Act, 1868.
C.D.	*George Street, Edinburgh.*	Examined and certified.
E.F.	*Cheapside, London.*	Assistant prior to Pharmacy Act, 1868.

SCHEDULE (C.)

DECLARATION BY A PERSON WHO WAS IN BUSINESS AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I , residing at in the County of hereby declare that I was in Business as a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners at in the County of , on or before the Day of 186 .

Signed (*Name.*)

Dated this Day of 18 .

SCHEDULE (D.)

DECLARATION TO BE SIGNED BY A DULY QUALIFIED MEDICAL PRACTITIONER, OR MAGISTRATE, RESPECTING A PERSON WHO WAS IN BUSINESS AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Parmaceutical Society of Great Britain.

I , residing at in the County of , hereby declare that I am a duly qualified Medical Practitioner [*or* Magistrate], and that to my Knowledge , residing at in the County of , was in Business as a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners before the Day of 186 .

(*Signed*)

SCHEDULE (E.)

DECLARATIONS TO BE SIGNED BY AND ON BEHALF OF ANY ASSISTANT CLAIMING TO BE REGISTERED UNDER THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I hereby declare that the undersigned , residing at in the County of , had for Three

Three Years immediately before the passing of the Pharmacy Act, 1868, been employed in dispensing and compounding Prescriptions as an Assistant to a Pharmaceutical Chemist or Chemist and Druggist, and attained the Age of Twenty-one Years.

As witness my Hand, this Day of 186 .

A.B., duly qualified Medical Practitioner.
C.D., Pharmaceutical Chemist.
E.F., Chemist and Druggist.
G.H., Magistrate.

(*To be signed by One of the Four Parties named.*)

I hereby declare that I was an Assistant to
of in the County of in
the Year , and was for Three Years immediately before the passing of this Act actually engaged in dispensing and compounding Prescriptions, and that I had attained the full Age of Twenty-one Years at the Time of the passing of the Pharmacy Act, 1868.

N.O., Assistant.

SCHEDULE (F.)

Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

LONDON :
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXII.

An Act to make further Amendments in the Laws for the Relief of the Poor in *England* and *Wales*.

[31st *July* 1868.]

WHEREAS it is desirable that sundry Amendments should be made in the Laws for the Relief of the Poor, and certain other Provisions enacted for facilitating the Administration of such Relief:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Regulations as to General Orders of the Poor Law Board.

1. The Poor Law Board shall cause a Copy of every General Rule, Order, or Regulation issued by them to be laid before both Houses of Parliament as soon as practicable after its Publication, but no Order of the said Board by which a District of Unions or Parishes and Unions shall have been or shall be formed shall be deemed to be a General Order within the Meaning of the Poor Law Board Act, 1847.

The sending of Copies of Orders to the

2. The said Board shall not be required to send Copies of any Orders issued by them to the Clerks to the Justices of the Petty Sessional

Clerks of the Justices only to be required in certain Cases.

Sessional Divisions, except such as relate to the Relief of the Poor, the Government and Management of Workhouses and their Inmates, and the Guidance and Regulation of Guardians and their Officers.

Repeal of Exception in Sect. 2. of 30 & 31 Vict. c. 106.

3. So much of the Second Section of the Poor Law Amendment Act, 1867, as excepts the Unions and Parishes in the Metropolis from the Operation of that Section, is hereby repealed.

Consent of Guardians not required in certain Cases.

4. The Poor Law Board may exercise the Powers contained in the Thirty-second Section of the Poor Law Amendment Act, 1834, with respect to any Union of Parishes formed under the Eighty-third Chapter of the Statute of the Twenty-second Year of King *George* the Third, and with respect to any Union governed by a Local Act of Parliament, where the Relief of the Poor is not wholly administered by One Board of Guardians, without such Concurrence of a Majority of not less than Two Thirds of the Guardians of such Union as is required in the said Section; and every single Parish in which the Provisions of the said Statute of *George* the Third shall have been adopted may be dealt with in like Manner as any Parish in which they shall not have been adopted, and the Powers conferred upon the said Board by the Forty-first Section of the said Poor Law Amendment Act, 1834, in regard to Unions and Parishes governed by any Local Act of Parliament, may be exercised by such Board without the Consent of the Majority of the Owners and Ratepayers of Property as therein required, as and when such Board shall deem it expedient.

Consent of Owners of Property and Ratepayers dispensed with in certain Cases.

Superintendent Registrars and Registrars in temporary Districts.

5. All Superintendent Registrars and Registrars of Births, Deaths, and Marriages, and Registrars of Marriages, in temporary Districts formed under the Provisions of the Act Sixth and Seventh *William* the Fourth, Chapter Eighty-six, shall be entitled to continue in Office in the event of such temporary Districts being dissolved, and the Parishes, Townships, and Places contained therein being formed into one and the same Union.

Poor Law Board may unite small Parishes for the Election of Guardians.

6. The said Board may, by Order under Seal, add any Parish in a Union, the Population of which Parish, according to the Census last declared, shall not exceed Three hundred, the annual rateable Value whereof shall not exceed the average rateable Value of the Parishes in the same Union according to the Valuation Lists in force for the Time being, to some adjoining Parish in the same Union for the Purpose of the Election of Guardians; and the Persons qualified to elect such Guardians in either Parish shall be qualified to vote at such Election for the Parishes so united.

7. In

Poor Law Board may appoint Officers when Guardians make default.

7. In case the Board of Guardians fail for Twenty-eight Days after Receipt of a Requisition of the Poor Law Board in that Behalf to appoint, either originally or on a Vacancy, any Officer whom they shall be lawfully required to appoint, the Poor Law Board may, at any Time after the Expiration of the said Term of Twenty-eight Days, if they think fit, by Order under their Seal, appoint a fit Person to be such Officer, and determine the Salary or Remuneration to be paid to him by such Guardians; and the Person so appointed shall recover such Salary or Remuneration by Action in a County or other Court of Law against such Guardians, and shall have all the same Powers, Rights, and Privileges, and shall discharge all the same Duties, and incur the same Responsibilities, as if the Appointment had been duly made by the said Guardians.

Extension of the Power of the Poor Law Board to order Works and Furniture for Workhouses.

8. The Power conferred upon the Poor Law Board by the Twenty-fifth Section of the Poor Law Amendment Act, 1834, as extended by the Eighth Section of the Poor Law Amendment Act, 1866, shall apply to the providing of proper Drainage, Sewers, Ventilation, Fixtures, Furniture, Surgical and Medical Appliances, and other Conveniences at any Workhouse.

Provision for Vacancies and Resignations of Managers under the Metropolitan Poor Act.

9. All the Provisions contained in the Poor Law Amendment Act, 1842, in respect of the Election, Qualification, Resignation, and the Acts of Guardians of a Union, and in respect of the Supply of Vacancies in the Board of Guardians, shall apply to the Members of the District Boards or Board formed or to be formed under the Authority of the Metropolitan Poor Act, 1867, whether nominated or elective, or of this Act, and to the Persons nominated as Guardians by the Poor Law Board under the said Act of 1867; and so much of the Metropolitan Poor Act, 1867, as requires Persons, other than Justices of the Peace, nominated by the Poor Law Board as Managers or Guardians, to be resident within the District, Union, or Parish respectively for which they may be nominated, shall be repealed.

Consent of Meeting of Guardians sufficient for the Formation of a School District.

10. Where the Consent of the Guardians of any Union or Parish is required to be given to the Formation of a School District, the Consent of the major Part of the Guardians assembled at one of their Ordinary Meetings, after Notice in Writing previously sent to every Member of the Board not less than Two Weeks previously specifying the Proposal for such Consent, shall be sufficient.

New Basis for the Contributions in School and other Districts.

11. From and after the Twenty-ninth Day of *September* next the Act of the Session held in the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Eleven, shall be repealed in respect of any Debts, Charges, and Liabilities to be incurred or created after that

that Day; and thenceforth all the Expenses and Charges which, according to the Provisions of the Poor Law Amendment Act, 1844, would be chargeable upon the Common Fund of any District formed or to be formed under that Act or under this Act, shall be borne by the several Unions or Parishes comprised in the District according to the annual rateable Value of the Property therein comprised, to be determined according to the Valuation Lists in force in such Unions, and according to the latest Poor Rate for the Time being for the Parishes not in Union, or, so far as respects any District wholly or partially within the Metropolis, as defined by the Metropolis Poor Act, 1867, on such other Basis as the Poor Law Board shall from Time to Time direct.

Provision for the Severance of a Parish from a Union in a School District, or the Addition of a Parish thereto.

12. In the Case of a Parish added to or taken from any Union comprised in a School District the Poor Law Board shall ascertain the proportionate Value of the Property and Amount of Obligations of such Parish, and of every other Parish or Union affected by the Change, and shall fix the Amount to be received or paid or secured to be paid by every such Parish or Union, or by the District, as the Case may require.

Guardians may pay the Cost of Idiots sent to Asylums for Idiots.

13. The Guardians of any Union or Parish may, with the Consent of the Poor Law Board, send an idiotic Pauper to an Asylum or Establishment for the Reception and Relief of Idiots maintained at the Charge of the County Rate or by public Subscription, and they may with the like Consent send any idiotic, imbecile, or insane Pauper who may lawfully be detained in a Workhouse to the Workhouse of any other Union or Parish, with the Consent of the Guardians of such last-mentioned Union or Parish, and pay the Cost of the Maintenance, Clothing, and Lodging of such Pauper in the Asylum, Establishment, or Workhouse, as well as the Cost of his Conveyance thereto or his Removal therefrom, and the Expenses of his Burial, when necessary.

The 30 & 31 Vict. c. 106. s. 23. to have a retrospective Effect.

14. The Provisions contained in the Twenty-third Clause of the Poor Law Amendment Act, 1867, shall apply to Pauper Lunatics sent to an Asylum before the passing of that Act as well as since.

The 30 & 31 Vict. c. 106. s. 20. extended.

15. The Provisions contained in the Twentieth Section of the Poor Law Amendment Act, 1867, shall extend to the Case of a Parish which shall have been or shall be added to or separated from a Union, and to any Officer who by reason of such Addition or Separation shall have been or shall be deprived of his Office or Employment.

A separate Creed Register to be

16. The Officer for the Time being acting as the Master of a Workhouse, or as the Master or Superintendent of a District or other

Pauper

Pauper School, shall keep a Register of the Religious Creed of the Pauper Inmates of such Workhouse or School separate from all other Registers in such Form and with such Particulars as shall be prescribed by the Poor Law Board by an Order under their Seal, and shall, as regards every Inmate of such Workhouse or School at the Date to be fixed by such Order, and subsequently upon the Admission of every Inmate therein, make due Inquiry into the Religious Creed of such Inmate, and enter such Religious Creed in such Register.

kept in every Workhouse and Pauper School.

17. In regard to any Child in the Workhouse or School under the Age of Twelve Years, whether either of its Parents be in the Workhouse or not, or whether it be an Orphan or deserted Child, the Master or Superintendent shall enter in such Register, as the Religious Creed of such Child, the Religious Creed of the Father, if the Master or Superintendent know or can ascertain the same by reasonable Inquiry, or, if the same cannot be so ascertained, the Creed of the Mother of such Child, if the same be known to the said Master or Superintendent, or can be by him in like Manner ascertained; and the Creed of an illegitimate Child under the said Age shall be deemed to be that of its Mother, when that can be ascertained.

How the Religion of Children to be entered in the Creed Register.

18. If any Question shall arise as to the Correctness of any Entry in such Register, the Poor Law Board may, if they think fit, inquire into the Circumstances of the Case, and determine such Question by directing such Entry to remain or to be amended, according to their Judgment.

The Poor Law Board to decide Questions as to Correctness of the Register.

19. Every Minister of any Denomination officiating in the Church, Chapel, or other registered Place of Religious Worship of such Denomination which shall be nearest to any Workhouse or School, or any Ratepayer of any Parish in the Union, shall be allowed to inspect the Register which contains the Entry of the Religious Creed of the Inmates at any Time of any Day, except *Sunday*, between the Hours of Ten before Noon and Four after Noon.

Creed Register to be open to Inspection of Minister.

20. Such Minister may, in accordance with such Regulations as the said Board shall approve of or by their Order prescribe, visit and instruct any Inmate of such Workhouse or School entered in such Register as belonging to the same Religious Creed as such Minister belongs to, unless such Inmate, being above the Age of Fourteen, and after having been visited at least once by such Minister, shall object to be instructed by him.

Minister may, subject to Regulations, visit and instruct Inmates registered as of his Religious Creed.

21. Every Inmate for whom a Religious Service according to his own Creed shall not be provided in the Workhouse shall be permitted,

Where no Religious Service provided in the Workhouse,

the Inmate may, subject to Regulations, go to his own proper Place of Worship.

permitted, subject to Regulations to be approved of or ordered by the Poor Law Board, to attend, at such Times as the said Board shall allow, some Place of Worship of his own Denomination within a convenient Distance of the said Workhouse, if there be such in the Opinion of the Board: Provided that the Guardians may, for Abuse of such Permission previously granted, or on some other special Ground, refuse Permission to any particular Inmate, and shall in such Case cause an Entry of such Refusal and the Grounds thereof to be made in their Minutes.

No Child in the Workhouse or School visited by a Minister of its own Religion shall be required to attend any other Religious Services, unless, being above Twelve Years of Age, he shall desire to do so.

22. No Child, being an Inmate of a Workhouse or such School as aforesaid, who shall be regularly visited by a Minister of his own Religious Creed for the Purpose of Religious Instruction, shall, if the Parents or surviving Parent of such Child, or in the Case of Orphans or deserted Children if such Minister, make Request in Writing to that Effect, be instructed in any other Religious Creed, or be required or permitted to attend the Service of any other Religious Creed, than that entered in such Register as aforesaid, except any Child above the Age of Twelve Years who shall desire to receive Instruction in some other Creed, or to attend the Service of any other Religious Creed, and who shall be considered by the Poor Law Board to be competent to exercise a Judgment upon the Subject.

Interpretation of 25 & 26 Vict. c. 43. and 29 & 30 Vict. c. 113. s. 14. as to Child and Consent of Parents.

23. The Act of the Twenty-fifth and Twenty-sixth *Victoria*, Chapter Forty-three, and Section Fourteen of the Poor Law Amendment Act of 1866, shall apply to illegitimate as well as legitimate Children; and with regard to illegitimate Children the Consent of the Mother, if she has the Care, Custody, or Possession of the Child, shall be sufficient for the Purposes of those Acts; and in case of a deserted Child or an Orphan Child on behalf of whom no Relative, Next of Kin, Step-Parent, or God-Parent shall make Application, the Poor Law Board may exercise the Power conferred upon them by Section Fourteen of the said Act of 1866, upon being satisfied that there is reasonable Ground for their doing so.

Poor Law Board to appoint Auditors.

24. So much of the Poor Law Amendment Act, 1844, Section Thirty-two, as provides for the Election of District Auditors, shall be repealed; and whenever the Office of an Auditor appointed or to be appointed under the Authority of the said Act shall, after the passing of this Act, become vacant, or whenever an Auditor shall be ordered to be appointed for any District or Parish under the Authority of the said Act, or of the Poor Law Amendment Act, 1834, the Poor Law Board may, by Order under their Seal, appoint a Person to be Auditor of such District (or any Part thereof) or of such Parish; and the said Person so appointed shall have all the Powers and Privileges, and shall do all the Matters and Things, which the Auditors of Districts under any Act of Her Majesty have

or

or are required or empowered to do; and the Provisions contained in the Poor Law Board Act, 1847, relative to the Salaries of the Persons therein mentioned, shall apply to the Salaries of the Persons to be appointed as Auditors by the Poor Law Board; provided that before such Auditor shall be empowered to act a Notice of his Appointment shall be inserted in the *London Gazette*, and no further or other Notice or Proof of such Appointment shall be required.

Notice of Appointment of Auditor to be inserted in London Gazette.

25. Every Auditor for the Time being appointed under the Authority of the said Poor Law Amendment Act, 1834, or of any Act amending the same, shall be deemed to be a Civil Servant of the State within the Operation of the Act of the Twenty-second Year of Her Majesty's Reign, Chapter Twenty-six.

Existing Auditors may be superannuated under 22 Vict. c. 26.

26. So much of the Eighty-sixth Chapter of the Act passed in the Session held in the Sixth and Seventh Years of the Reign of His late Majesty as provides that the Poor Law Commissioners shall appoint a Registrar to the temporary Districts therein referred to shall be repealed; and the Board of Guardians acting therein shall henceforth appoint the Registrars for such Districts.

Repeal of 6 & 7 W. 4. c. 86. s. 10. requiring the Poor Law Commissioners to appoint Registrars in certain Places.

27. From the Twenty-fifth Day of *December* next every Place which was or is reputed to be extra-parochial, whether entered by Name in the Report upon the Census for the Year One thousand eight hundred and fifty-one or not, for which an Overseer has not been then appointed, or for which no Overseer shall be then acting, or which has not been then annexed to and incorporated with an adjoining Parish, shall for all civil parochial Purposes be annexed to and incorporated with the next adjoining Parish with which it has the longest common Boundary, and in case there shall be Two or more Parishes with which it shall have Boundaries of equal Extent, then with that Parish which now contains the lowest Amount of rateable Value; and every Accretion from the Sea, whether natural or artificial, and the Part of the Seashore to the Low-water Mark, and the Bank of every River to the Middle of the Stream, which on the said Twenty-fifth Day of *December* next shall not be included within the Boundaries of or annexed to and incorporated with any Parish, shall for the same Purposes be annexed to and incorporated with the Parish to which such Accretion, Part, or Bank adjoins in proportion to the Extent of the common Boundary.

Provision for Incorporation of certain Extra-parochial Places.

28. The Provisions of the Seventh Section of the Poor Law Amendment Act, 1848, empowering Guardians of Unions to cause Valuations to be made upon Application as therein set forth, shall apply to the Guardians of a Parish not comprised in any Union.

11 & 12 Vict. c. 110. s. 7. extended to a Parish.

29. Where

Power for Guardians of Unions mutually to bear the Costs of several Appeals involving the same common Principle.

29. Where an Appeal is brought against the Poor Rate of a Parish in a Union, and may appear to involve a Principle in which some neighbouring Parish has a common Interest, it shall be lawful for the Guardians of the Unions comprising such Parishes to enter into an Agreement mutually to bear the Costs which may be properly incurred in and about the Trial of such Appeals on the Part of the several Respondents, as well as the Costs of the Appellants, if any, which may be awarded against the Respondents, in such Proportions as shall be fixed and determined with reference to the Amount of Interest of the several Unions in the Question, or otherwise as shall appear just; and the said Agreement shall continue binding upon the several Boards of Guardians and their respective Successors in succession until the several Appeals shall have been finally determined.

Columns in the Valuation Lists to be cast up by the Committee, and fair Copies of the approved Valuation Lists to be given to the Overseers instead of Originals.

30. When the Assessment Committee in any Union shall have finally approved of any Valuation List, whether original, substitutional, or supplemental, they shall cause the Total of the Entries in the Columns for the Gross Estimated Value and the Rateable Value to be ascertained and entered at the Foot of the same, and shall retain such List for the Use of the Guardians, to be dealt with in the Manner provided by the Thirty-first Section of the Union Assessment Committee Act, 1862, and shall deliver a fair Copy of the same to the Overseers, signed by the Three Members of the Committee who approved of the same; and such Copy shall be countersigned by the Clerk of the Committee, and shall be preserved by the Overseers, and dealt with by them in all respects as the Lists made out by them would have been dealt with according to the Law now in force, and it shall not be necessary for the said Committee to cause any other Copy to be made.

Certified Copies of Valuation Lists rendered available whose Original is lost.

31. Where any Valuation List heretofore approved, or the Copy hereafter to be made, shall be lost, injured, or destroyed, the Overseers of the Parish to which it relates may apply to the Clerk of the Guardians for a Copy of the same; and the Clerk, upon Payment of a reasonable Compensation, not exceeding Three Shillings for One hundred separate rateable Hereditaments, shall give such Copy, and certify the same to be a true Copy of the List deposited with the said Guardians, and such certified Copy shall be thenceforth available as the Original.

Guardians may appoint a paid Valuer to assist the Assessment Committee.

32. The Guardians may, upon the Application of the Assessment Committee, after Notice sent in the Manner required by the Union Assessment Committee Act, 1862, appoint some competent Person to assist the Committee in the Valuation of the rateable Hereditaments of the Union for such Period as they shall see fit, at a Salary or other settled Remuneration to be paid out of the Common Fund.

33. When

Order may be made in Petty Sessions upon a Husband to maintain his Wife.

33. When a married Woman requires Relief without her Husband, the Guardians of the Union or Parish, or the Overseers of the Parish, as the Case may be, to which she becomes chargeable, may apply to the Justices having Jurisdiction in such Union or Parish in Petty Sessions assembled, and thereupon such Justices may summon such Husband to appear before them to show Cause why an Order should not be made upon him to maintain his Wife; and upon his Appearance, or, in the event of his not appearing, upon Proof of due Service of such Summons upon him, such Justices may, after hearing such Wife upon Oath, or receiving such other Evidence as they may deem sufficient, make an Order upon him to pay such Sum, weekly or otherwise, towards the Cost of the Relief of the Wife, as, after Consideration of all the Circumstances of the Case, shall appear to them to be proper, and shall determine in such Order how and to whom the Payments shall from Time to Time be made; which Order shall, if the Payments required by it to be made be in arrear, be enforced in the Manner prescribed by the Act of the Eleventh and Twelfth *Victoria*, Chapter Forty-three, for the enforcing of Orders of Justices requiring the Payment of a Sum of Money: Provided that such Order may be at any future Time revoked by the Justices in Petty Sessions assembled, if they see sufficient Cause for so doing.

Irremovability of poor Persons not to be affected by an Addition of a Parish to a Union or a Separation therefrom.

34. Where any poor Person shall have acquired an Exemption from Removal in any Parish or Union, and the Parish wherein that Exemption shall have been wholly or partly acquired shall have been or shall be added to or separated from a Union, such poor Person shall continue to have the same Exemption from Removal as he would have been entitled to if no such Addition or Separation had taken place.

Extension of Time for the Repayment of Loans.

Explanation of 30 & 31 Vict. c. 6. s. 52.

35. The Time limited for the Repayment of Money borrowed under "The Poor Law Amendment Act, 1834," and the subsequent Acts extending or amending the same, and "The Metropolitan Poor Act, 1867," shall be extended from Twenty to Thirty Years; and the Term "Promoters of the Undertaking" in Section Fifty-two of the last-mentioned Act shall be deemed to have included Managers and Guardians desirous of purchasing Lands for any of the Purposes of the Poor Law Acts as therein defined.

Jurisdiction of Justices to make Orders of Maintenance.

36. So much of the Acts of the Forty-third *Elizabeth*, Chapter Two, and the Fifty-ninth *George* the Third, Chapter Twelve, as enables Orders of Maintenance to be made by the Justices having Jurisdiction in the Place where the Persons upon whom they are to be made dwell, and as prescribes the Penalty for Disobedience, and Section Seventy-eight of the Poor Law Amendment Act, 1834, shall, in respect of any Order to be made hereafter, be repealed; and

such Orders shall be made by the Justices in Petty Sessions assembled at their usual Place of Meeting having Jurisdiction in the Union or Parish to which the poor Person in whose Behalf the same shall be sought to be made shall be chargeable, and shall be enforced in the Manner prescribed by the said Act of the Eleventh and Twelfth *Victoria*, Chapter Forty-three, for enforcing Orders of Justices.

Parents neglecting their Children liable to Punishment.

37. When any Parent shall wilfully neglect to provide adequate Food, Clothing, Medical Aid, or Lodging for his Child, being in his Custody, under the Age of Fourteen Years, whereby the Health of such Child shall have been or shall be likely to be seriously injured, he shall be guilty of an Offence punishable on summary Conviction, and being convicted thereof before any Two Justices shall be liable to be imprisoned for any Period not exceeding Six Months, with or without Hard Labour, as such Justices shall decide; provided that such Justices may suspend the Sentence until further Notice if the Offender enter into his own Recognizances, with or without One or more Sureties as the Justices may think fit, to come up for Judgment when called upon; and the Guardians of the Union or Parish in which such Child may be living shall institute the Prosecution and pay the Costs thereof out of their Funds.

Provision for the Rating of new Houses or Buildings.

38. When any Person shall occupy any new House or other Building in any Parish where the Poor Rate is not made under the Provisions of a Local Act, which House or Building was incomplete, or not fit for Occupation, or was not entered as such in the Valuation List in force in the Parish at the Time when the current Rate for the Time being was made, the Overseers may enter such House or Building with the Name of the Occupier thereof and the Date of the Entry in the Rate Book, and require the Occupier to pay such Amount as according to their Judgment shall be the proper Sum, having due Regard to the rateable Value of such House or Building, and the Time which shall have elapsed from the making of the current Rate to the Date of such Entry, and the Person so charged shall be considered as actually rated from such Date, and shall be liable to pay the Sum assessed in like Manner and subject to the like Penalty of Distress, and with the like Power of Appeal, as if he had been assessed for the same when the Rate was made: Provided that when the said Overseers shall so enter the said House or Building in the Rate Book they shall forward to the Assessment Committee of the Union comprising such Parish, if any such there be, a supplemental List with reference to such House or Building, and the same shall be dealt with in all respects, and with the like Incidents and Consequences, as a supplemental List made by the Overseers under Section Twenty-five of "The Union Assessment Committee Act, 1862."

39. When

Demand of Poor Rate may be made on the Premises.

39. When a Poor Rate shall be made and assessed upon any Land or Premises, and the Occupier thereof is not living on such Land or Premises nor in the Parish for which the Rate shall be made, or the Owner, if assessed for such Rate in the Place of the Occupier, is not living in such Parish, a Demand of the Rate in Writing delivered to the Person having the Custody of the Land or Premises, or if no such Person can be found then affixed upon some conspicuous Part of the Land or Premises, shall be deemed a sufficient Demand to justify Proceedings for the Nonpayment of such Rate; and where the Residence or Place of Abode of the Person assessed is not known to the Overseers, and cannot be ascertained upon Inquiry at the said Land or Premises, the Summons for the Nonpayment of the Rate may be served in like Manner.

Demand of Rate from a Corporation or a Company.

40. When a Poor Rate is assessed upon any Corporation aggregate, Joint Stock or other Company, or any Conservators or other public Trustees, a Demand for Payment, either made by Letter sent through the Post addressed to the Clerk or Secretary or other principal Officer of the Corporation, Company, Conservators, or Trustees at the Office of such Corporation, Company, Conservators, or Trustees, or made personally upon such Clerk, Secretary, or Officer at such Office, shall be deemed a sufficient Demand, and a Summons for the Nonpayment of such Rate may be served in like Manner.

Payments for Bastard Children.

41. When and so often as any Bastard Child for whose Maintenance an Order has been made by Justices under the Provisions of the Fifth Section of the Seventh and Eighth *Victoria*, Chapter One hundred and one, shall become chargeable to any Parish or Union, any Two Justices in Petty Sessions may, if they shall see fit, by Order under their Hands and Seals, from Time to Time appoint some Relieving or other Officer of the Parish or Union to which such Bastard Child shall be so chargeable to receive on account of such Parish or Union such Proportion of the Payments then due or becoming due under the Order of Petty Sessions made under the Provisions of the said Act as may accrue during the Period for which such Child is chargeable, and such Appointment shall remain in force for the Period of One whole Year whenever the Bastard Child shall be or have become chargeable as aforesaid, and may afterwards from Time to Time be renewed by Endorsement under the Hand of any One Justice for the like Period; and so much of Section Seven of the said Act as prohibits an Officer of any Parish or Union from receiving Money under such Order as aforesaid is hereby repealed, and any Payment so ordered to be made shall be recoverable by the Relieving Officer or other Officer appointed to receive it in the Manner provided by Section Three of the said Act.

42. The

Provision for poor Deaf and Dumb or Blind Children.

42. The Guardians of any Union or Parish may, with the Approval of the Poor Law Board, send any poor Deaf and Dumb or Blind Child to any School fitted for the Reception of such Child, though such School shall not have been certified under the Provisions of the Act of the Twenty-fifth and Twenty-sixth Years of *Victoria*, Chapter Forty-three.

Certain Lunatics may be received in Workhouses from County Asylums.

43. The Guardians of any Union or Parish may, with the Consent of the Poor Law Board and the Commissioners in Lunacy, and subject to such Regulations as they shall respectively prescribe, receive into the Workhouse any chronic Lunatic not being dangerous who may have been removed to a Lunatic Asylum, and selected by the Superintendent of the Asylum and certified by him to be fit and proper so to be removed, upon such Terms as may be agreed upon between the said Guardians and the Committee of Visitors of any such Asylum, and thereupon every such Lunatic, so long as he shall remain in such Workhouse, shall continue a Patient on the Books of the Asylum for and in respect of all the Provisions in the Lunacy Acts, so far as they relate to Lunatics removed to Asylums.

Repeal of Penalties on Parish Officers supplying Goods in Unions.

44. So much of the Act of the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and thirty-seven, and of the Poor Law Amendment Act, 1834, as renders the Churchwardens and Overseers of the Poor of any Parish comprised in a Union liable to a Penalty in respect of the furnishing, providing, or supplying of Goods, Materials, or Provisions for the Use of any Workhouse, or the Support and Maintenance of the Poor, shall, as regards any Supply after the passing of this Act, be repealed.

Interpretation of Terms and Consolidation of the Acts.

45. The Words used in this Act shall be construed in the like Manner as in the Poor Law Amendment Act, 1834, and subsequent Acts amending and extending the same, and the Provisions contained therein and in such subsequent Acts, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

Short Title.

46. This Act may be cited and described for all Purposes as "The Poor Law Amendment Act, 1868."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXIII.

An Act to amend the Law relating to Salmon Fisheries in *Scotland*. [31st *July* 1868.]

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of Her present Majesty, Chapter Ninety-seven, intituled *An Act to regulate and amend the Law respecting the Salmon Fisheries of* Scotland; and another Act was passed in the Twenty-sixth and Twenty-seventh Years of Her present Majesty, Chapter Fifty, intituled *An Act to continue the Powers of the Commissioners under the Salmon Fisheries* (Scotland) *Act until the First Day of* January *One thousand eight hundred and sixty-five, and to amend the said Act;* and another Act was passed in the Twenty-seventh and Twenty-eighth Years of Her present Majesty, Chapter One hundred and eighteen, intituled *An Act to amend the Acts relating to Salmon Fisheries in* Scotland; and it is expedient that the recited Acts should be amended, and further Provision made with respect to Salmon Fisheries in *Scotland:*

25 & 26 Vict. c. 97.

26 & 27 Vict. c. 50.

27 & 28 Vict. c. 118.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This

Salmon Fisheries (Scotland).

Short Title.

1. This Act may be cited for all Purposes as "The Salmon Fisheries (*Scotland*) Act, 1868."

Recited Acts and this Act to be as One.

2. The recited Acts and this Act shall be read and construed together as One Act.

Appointment of District Board where none exists at the passing of this Act.

3. Where in any District a District Board has not been constituted before the passing of this Act, it shall be lawful for any Two Proprietors of Salmon Fishings in the District, whether there be at the present Time Salmon in the Waters of the District or not, to present a Petition to the Sheriff praying that a District Board may be constituted, and the Sheriff shall thereupon direct the Sheriff Clerk to make up a Roll of the Upper Proprietors and a Roll of the Lower Proprietors in the District, and the Sheriff shall thereafter direct the Sheriff Clerk to call a Meeting of the Upper Proprietors, and also a Meeting of the Lower Proprietors, at such Time and Place as he shall direct, and Notice of such Meeting shall be given by Advertisement inserted once at least in Two successive Weeks in a Newspaper printed or circulating in the County or Counties in which the District is situated, and at the same Time with the said Notice the Sheriff shall direct the Sheriff's Clerk also to intimate the Time and Place at which the First Meeting of the Board shall be held after its Election; and the Upper Proprietors and Lower Proprietors present at such separate Meetings respectively shall elect Members of the District Board in the Manner provided in the first-recited Act; and the First Meeting of the said District Board shall be held at the Time appointed by the Sheriff as aforesaid, unless the Upper Proprietors and the Lower Proprietors agree together to appoint another Time and Place for the First Meeting.

Roll of Proprietors to be made up.

4. The Clerk of each District Board, constituted under the recited Acts or this Act, shall make up and keep Rolls of the Upper and Lower Proprietors in the District, and correct the same from Time to Time whenever a new Valuation Roll comes into force; and at any Meeting of the District Board it shall be lawful for any Person whose Name has been erroneously struck out or omitted from the said Roll to apply to the District Board to have his Name entered therein, or for any Person whose Name is on the Roll for the District to object to the Name of any other Person being entered or remaining on the said Roll on the Ground that he does not appear on the Valuation Roll to be qualified, or that he does not possess the requisite Frontage to the River; and if it shall be proved to the Satisfaction of the Board that such Claim or such Objection is well founded, the Board shall direct their Clerk to enter or strike out the Name accordingly, as shall appear

appear to them just; and if any Person shall be dissatisfied with the Decision of the Board, he may appeal by summary Petition to the Sheriff of the County within which the Subjects affording his Qualification, or the greater Part thereof, are situated; and the Sheriff's Decision shall be final, but in such Appeal the Jurisdiction of the Sheriff shall not extend to Questions of Heritable Right.

Provisions for Valuation of Fisheries.

5. Where any Fishery is not entered in the Valuation Roll, or where any Fishery is entered in the Valuation Roll along with and as a Part of other Subjects, the County Assessor shall, on being required by the Clerk to the District Board, value and enter such Fishery in the Valuation Roll separately from other Subjects; and where any Fishery or Rod Fishing when let in the Sea happens to be situate in Two separate Districts, the County Assessor shall, on being required by the Clerk of either District, value and enter separately in the Valuation Roll the annual Value of such Fishery situate in the respective Districts.

Vacancies or Defect in Qualification not to vitiate Proceedings of Board.

6. No Act or Proceeding of a District Board shall be questioned on account of any Vacancy or Vacancies in their Body, and no Defect in the Qualification or Appointment of any Person or Persons acting as a Member or Members of such Board shall be deemed to vitiate any Proceedings of such Board in which he or they have taken part.

Evidence of Proceedings at Meetings.

7. The Minutes of the Proceedings of every Meeting of a District Board shall be signed by the Chairman; and any Minute of Proceedings of any Meeting of such Board, signed by the Chairman of that Meeting, shall be receivable in Evidence in all legal Proceedings without further Proof; and, until the contrary is proved, every Meeting of the Board in respect of which Minutes have been so made and signed shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified. On Requisition in Writing by any Two Members of a District Board, the Chairman shall be bound to convene a Meeting of the Board within a Fortnight of the Date of the Requisition, and the Clerk of the Board shall give Notice to each Member, by Circular, of the Date of said Meeting, and of the Business to be brought before it.

Mandatories may be appointed Members of District Board.

8. The Factor or Mandatory of any Proprietor of a Fishery (including the Factor or Mandatory of the Commissioners or Commissioner of Woods in charge of the Land Revenues of the Crown in *Scotland* where Her Majesty is the Proprietor of a Fishery) shall be qualified to be and may be elected as a Member of any District

District Board, and shall have all the Powers and Privileges which the Proprietors by whom he is appointed could have had under the recited Acts or this Act; and any Member of any District Board appointed under the Powers of the recited Acts, or any of them, or this Act, may from Time to Time nominate and appoint, by Writing under his Hand, any Person as the Mandatory of such Member to attend, act, and vote at any Meeting of such District Board; and every such Nomination and Appointment shall subsist until recalled by the Member making the same.

Power of Secretary of State to alter Regulations.

9. Any District Board at any Meeting, of which due Notice has been given by Advertisement at least Ten Days previously in a Newspaper printed or circulated in the County or Counties in which the District is situated, may resolve to petition the Secretary of State to do any of the following Things:

(1.) To vary the Annual Close Time in such District, provided that such Annual Close Time shall always be One hundred and sixty-eight Days:

(2.) To vary the Weekly Close Time in such District, or in different Parts of such District, provided that the Weekly Close Time or such Weekly Close Times shall always be Thirty-six Hours:

(3.) To alter the Regulations with respect to the Observance of Annual or Weekly Close Time in so far as they relate to such District:

(4.) To alter the Regulations with respect to the Construction and Use of Cruives and Cruive Dykes or Weirs within such District, provided such Alterations do not injure the Supply of Water to any Person entitled to use any existing Cruive Dyke as a Dam Dyke.

And such Petition, authenticated by the Signature of the Chairman of the Board, shall be transmitted to the Secretary of State by the Clerk of the Board, after Notice thereof has been given by Advertisement once at least in each of Two successive Weeks in a Newspaper printed or circulating in the County or Counties in which the District is situated, and the Secretary of State may direct such Inquiry to be made, and such Notice thereof to be given, as he shall think fit.

And any Alteration petitioned for in such Manner by any District Board may be made by the Secretary of State, if he shall see fit, by Order under his Hand, and such Order shall be published in the *Edinburgh Gazette*, and a Copy of the *Edinburgh Gazette* containing such Order shall be Evidence of the same having been made; but the Secretary of State shall not entertain any such Petition until it shall be proved to him, by such Evidence as he shall think

think satisfactory, that Notice of such Petition has been duly given in manner aforesaid: Provided that such Alteration shall not interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter, or possessed for Time immemorial.

Byelaws to be valid until altered by Secretary of State.

10. The Byelaws contained in the Schedules (A.), (B.), (C.), (D.), (E.), (F.), and (G.) to this Act annexed shall in all respects be held to have been duly made and published, but only in so far as consistent with and authorized by the recited Acts, and to such Extent shall be as valid and binding as if the same had been expressly enacted in this Act: Provided always, that notwithstanding the Terms of the said recited Acts, any such Byelaw shall be valid and binding as aforesaid although it includes in One District more than One River, or makes Provisions with respect to a District including more than One River, or to Two or more Districts having assigned to them a common Estuary.

Acts not to apply to Streams not frequented by Salmon.

11. Notwithstanding anything contained in or authorized by this Act or the recited Acts, no Regulations with respect to the Construction and Alteration of Mill Dams or Lades or Waterwheels, so as to afford a reasonable Means for the Passage of Salmon, shall apply to Streams or Branches or Tributaries of Rivers which are of such small Size as not to be frequented by Salmon, nor to Dam Dykes which in their existing State at the Time and in the average State of the River do not obstruct the Passage of Salmon; and where in any existing Intake Lade there is at present a sufficient Sluice, it shall not be necessary to remove said Sluice to a higher Point of the Lade, nor to construct an additional Sluice at the Intake thereof; and it shall be lawful to lift any Heck from out the Water as a Means of Protection during a Flood, or when the River is encumbered with Ice, or with Weeds and floating Leaves to an Extent to choke the Heck.

Byelaws not to apply to Watercourse or Mill-lade of Kinnaber.

12. And whereas the Royal Burgh of *Montrose* is supplied with Water from Sources adjoining the River *North Esk*, which Water is raised to the Point of Distribution by means of Water Power derived from a Watercourse or Mill-lade having its Intake at *Morphie* Dam Dyke on the said River, and returning to the River at a Point near the Lower North Water Bridge on the said River, commonly called the Mill-lade of *Kinnaber*, and great Inconvenience would arise from the Application to the said Watercourse or Mill-lade of certain of the Byelaws by this Act made valid and binding: Be it enacted, That nothing in the said Byelaws, or in this or in the recited Acts, or any of them, as to the placing of Hecks or Gratings, or the shutting of Sluices at the Intake of Mill-lades or Watercourses, shall apply to the said Watercourse or

Mill-lade known as the Mill-lade of *Kinnaber*, excepting in so far as regards the lowering of the Intake Sluice during the Weekly Close Time, and then only so as to leave a free Space during such Close Time of not less than Eighteen Inches between the Bottom of the Sluice and the Sill or Bed of such Mill-lade or Watercourse.

Power to the Board to purchase and remove Dams by Agreement.

13. The District Board shall by Agreement (which Agreement any Heir of Entail or other Person under Disability is hereby empowered to make with such Board, and to implement,) have Power to purchase, for the Purpose only of Removal, any Dam, Weir, Cruives, or other Fixed Engines they may deem it expedient to remove for the Benefit of the Fisheries in their District, and to remove any natural Obstructions to the Passage of Fish in the Bed of a River, or to attach a Fish Pass to any Waterfall, and generally to execute such Works, do such Acts, and incur such Expenses as may appear to them expedient for the Protection or Improvement of the Fisheries within their District, the Increase of Salmon, or the stocking of the Waters therewith; but it shall not be lawful for the Board to pay to any Member of the Board any Salary or Fees for his acting in any way as a Member of or under the Board; provided that such Powers of Purchase shall not be exercised unless the Resolution of the District Board shall have been consented to by the Proprietors representing Four Fifths in Value of the Fishings on the Roll in the District.

Power to the Board to borrow Money.

14. Any Expenses incurred by the District Board in carrying out the Provisions of this Act may be defrayed out of the Assessment which they are empowered to lay on by the first-recited Act; and any District Board may, for the Purpose of defraying any Charge or Expenses incurred by them under the Powers of the last Section, with the Consent of the Secretary of State, borrow and take up at Interest, on the Credit of any Assessment they are authorized by the first-recited Act to impose, such Sum of Money as may be necessary for defraying such Charge or Expenses, not exceeding the Amount of Two Years Assessments authorized by the said first-recited Act.

Penalties for Offences.

15. Sections Eleven and Twelve of the first-recited Act are hereby repealed, and in place thereof it is enacted as follows:

Every Person who commits any of the following Offences,—

(1.) Who fishes for, takes, or attempts to take, or aids or assists in fishing for, taking, or attempting to take, Salmon during the Annual Close Time by any Means other than Rod and Line;

(2.) Who fishes for, takes, or attempts to take, or aids or assists in fishing for, taking, or attempting to take, Salmon (except

(except during Saturday or Monday by Rod and Line) during the Weekly Close Time, or contravenes in any way any Byelaw in force regarding the Observance thereof;

(3.) Who fishes for or takes, or aids in fishing for or taking, Salmon during the Annual Close Time by means of Rod and Line at a Period not sanctioned by the Byelaws in force in the District;

(4.) Who fishes for or aids in fishing for Salmon with a Net having a Mesh contrary to any Byelaw;

(5.) Who sets or uses, or aids in setting or using, a Net or any other Engine for the Capture of Salmon when leaping at or trying to ascend any Fall or other Impediment, or when falling back after leaping;

(6.) Who does any Act for the Purpose of preventing Salmon from passing through any Fish Pass, or taking any Salmon in its Passage through the same;

(7.) Who wilfully puts or causes to be put, or neglects to take reasonable Precautions to prevent the Discharge of, any Sawdust, or any Chaff, or any Shelling of Corn into any River;

(8.) Who in any way contravenes any Byelaw,

shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon taken or killed in an illegal Manner, and shall forfeit the Salmon so taken; and all Penalties imposed under this Act and the recited Acts, or any of them, shall be in addition to the Costs and Expenses of Prosecution and Conviction.

Amendment of Sect. 13. of 25 & 26 Vict. c. 97.

16. The Thirteenth Section of the first-recited Act shall hereafter be read and construed as if the Words "or who shall discharge into any River Sawdust" therein contained were struck out of the Section.

Penalties for using Lights, &c.

17. Every Person that shall use any Light or Fire of any kind, or any Spear, Leister, Gaff, or other like Instrument, or Otter, for catching Salmon, or any Instrument for dragging for Salmon, or have in his Possession a Light or any of the foresaid Instruments under such Circumstances as to satisfy the Court before whom he is tried that he intended at the Time to catch Salmon by means thereof, shall be liable to a Penalty not exceeding Five Pounds, and shall forfeit any of the foresaid Instruments and any Salmon found in his Possession; but this Section shall not apply to any Person using a Gaff as auxiliary to angling with a Rod and Line.

Penalty for using Roe.

18. Every Person that shall use any Fish Roe for the Purpose of fishing, and every Person that shall buy, sell, or expose for Sale, or

or have in his Possession, any Salmon Roe, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, and shall forfeit all Salmon Roe found in his Possession; but this Section shall not apply to any Person who uses or has in his Possession Salmon Roe for artificial Propagation or scientific Purposes, or gives any Reason satisfactory to the Court by whom he is tried for having the same in his Possession.

Penalties for destroying the Young of Salmon, or disturbing Spawning Beds.

19. Every Person who shall wilfully take or destroy any Smolt or Salmon Fry, or shall buy, sell, or expose for Sale, or have in his Possession, the same, or shall place any Device or Engine for the Purpose of obstructing the Passage of the same, or shall wilfully injure the same, or shall wilfully injure or disturb any Salmon Spawn, or disturb any Spawning Bed, or any Bank or Shallow in which the Spawn of Salmon may be, or during the Annual Close Time shall obstruct or impede Salmon in their Passage to any such Bed, Bank, or Shallow, shall be liable to a Penalty not exceeding Five Pounds for every such Offence, and shall forfeit every Rod, Line, Net, Device, or Engine used in committing any such Offence, and shall forfeit any Smolt or Salmon Fry that may be found in his Possession; but nothing herein contained shall apply to Acts done for the Purpose of artificial Propagation of Salmon or other scientific Purpose, or in the course of cleaning or repairing any Dam or Mill-lade, or in the course of the Exercise of Rights of Property in the Bed of any River or Stream: Provided also, that the District Board may, with the Consent of all the Proprietors of Salmon Fisheries in any River or Estuary, adopt such Means as they think fit for preventing the Ingress of Salmon into narrow Streams in which they or the Spawning Beds are from the Nature of the Channel liable to be destroyed, but always so that no Water Rights used or enjoyed for the Purposes of Manufactures, or agricultural Purposes or Drainage, shall be interfered with thereby.

Penalties for taking unclean Salmon.

20. Every Person who shall wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, any unclean or unseasonable Salmon, or who shall buy, sell, or expose for Sale, or have in his Possession, any unclean or unseasonable Salmon, shall be liable to a Penalty not exceeding Five Pounds in respect of each such Fish taken, sold, or exposed for Sale, or in his Possession, and shall forfeit every such Fish; but this Section shall not apply to any Person who takes such Fish accidentally, and forthwith returns the same to the Water with the least possible Injury, or to any Person who takes or is in possession of such Fish for artificial Propagation or scientific Purposes.

21. Any

Penalty for buying or selling Salmon in Close Time.

21. Any Person who shall buy, sell, or expose for Sale, or have in his Possession, any Salmon taken within the Limits of this Act between the Commencement of the latest and the Termination of the earliest Annual Close Time which is in force at the Time for any District, shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon so bought, sold, or exposed for Sale, or in his Possession; and any Salmon so bought, sold, or exposed for Sale, or in his Possession, shall be forfeited; and the Burden of proving that any such Salmon was caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale, or having the same in his Possession.

Provision as to Exportation of Salmon.

22. All Salmon intended for Exportation shall be entered for that Purpose with the proper Officer of Customs at the Port or Place of intended Exportation before Shipment thereof; and any Salmon shipped or exported or brought to any Wharf, Quay, or other Place for Exportation between the Commencement of the latest and the Termination of the earliest Annual Close Time for any District in *Scotland* contrary to this Section shall be forfeited, unless Proof be given to the Satisfaction of the Commissioners of Customs of the Salmon having been legally captured, and the Person so illegally shipping or exporting or bringing the same for Exportation shall be liable to a Penalty not exceeding Two Pounds for every Salmon so shipped or exported or brought for Exportation; and no Salmon caught by Rod and Line during the Annual Close Time for Net-fishing shall be shipped, exported, or brought for Exportation under the like Penalties; and any Officer of Customs may during the aforesaid Period open any Parcel entered or intended for Exportation, or brought to any Quay, Wharf, or Place for that Purpose, and suspected by him to contain Salmon, and may detain any Salmon found in such Parcel until Proof is given to the Satisfaction of the Commissioners of Customs of the Salmon being such as may be legally exported; and if the Salmon before such Proof is given become unfit for Human Food the Officer of Customs may destroy the same.

All Boats and other Engines to be removed during Annual Close Time.

23. The Proprietor or Occupier of any Fishery shall within Thirty-six Hours after the Commencement of the Annual Close Time remove and carry from such Fishery, and from the Landing Places and Grounds adjacent thereto, all Boats, Oars, Nets, Engines, and other Tackle used or employed by such Occupier in taking Salmon, and effectually secure the same so as to prevent their being used in fishing until the End of the Close Time, with the Exception of such Boats and Oars as may be used for angling; and the Pro-

prietor or Occupier of any Cruive shall within Thirty-six Hours after the Commencement of the Annual Close Time remove and carry away all the Hecks, Rails, and Inscales, and effectually secure the same so as to prevent their being used in fishing, and shall also remove all Planks and temporary Fixtures and other Obstructions to the free Passage of Fish through the Cruive; and any Proprietor or Occupier who neglects to remove and carry away and effectually secure in manner aforesaid any Boat, Oar, Net, Engine, or other Tackle, or any Heck, Rail, or Inscale, or any Obstruction to the Passage of Salmon through a Cruive, shall forfeit every Engine and Thing not removed and carried away in compliance with the Terms of this Section, and for every Day during which he suffers any such Engine or Thing to remain unremoved beyond the Period prescribed in this Act he shall be liable to a Penalty not exceeding Ten Pounds: Provided always, that nothing herein contained shall apply to any Ferry Boat, or prevent any Proprietor of Lands from continuing any Boat for the Use of himself or of his Family if such Boat shall have the Name of the Proprietor painted thereon, and be secured, when not in use for lawful Purposes, by Lock and Key.

Penalties on Proprietor or Occupier for Breach of Weekly Close Time.

24. The Proprietor, or when let the Occupier, of every Fishery at which Stake, Weir, or Stake Nets, Fly Nets, or Bag Nets are used, shall in regard to such Nets do all Acts required by any Byelaw in force within the District in which such Fishery is situated for the due Observance of the Weekly Close Time; and if any such Proprietor or Occupier shall omit to do any Act so required he shall incur the following Penalties; that is to say,

1. He shall forfeit the Net or Nets with regard to which such Omission has occurred:
2. He shall for each Weekly Close Time during any Part of which such Omission has occurred pay, in respect of each Net to which the Proof of such Omission applies, a Sum not exceeding Ten Pounds, and a further Sum not exceeding Two Pounds for every Salmon taken or killed by means of such Nets during the said Weekly Close Time.

Amendment of 7 & 8 Vict. c. 95.

25. In order the better to carry out the Provisions of the Act of the Seventh and Eighth Years of Her present Majesty, Chapter Ninety-five, it shall be lawful for any Water Bailiff, Constable, Watcher, or Officer of any District Board, or any Police Officer, to search all Boats, Boat Tackle, Nets, or other Engines, and all Receptacles, whether at Sea or on Shore, which he or they may have reason to suspect may contain Salmon captured in contravention of the said last-mentioned Act, and to seize all Salmon found in the Possession of Persons not having a Right to fish Salmon,

Salmon, and the Possession of such Salmon shall be held *primâ facie* Evidence of the Purpose of the Possessor to contravene the Provisions of the said last-mentioned Act: Provided also, that the Words "the said recited Act" contained in the Second Section of the last-mentioned Act shall be read and construed as if they meant and included this Act and the Acts recited therein.

Sheriff or Justice may grant Warrant to search Premises.

26. It shall be lawful for the Sheriff or any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect any Breach of the Provisions of this Act to have been committed on any Premises, or any Salmon illegally taken, or any illegal Nets or other Engines or Instruments, to be concealed on any Premises, by Warrant under his Hand to authorize and empower any Water Bailiff, Constable, Watcher, or other Officer of the Board, or Police Officer, to enter such Premises for the Purpose of detecting such Offence, or such concealed Fish or Instruments, at such Time or Times in the Day or Night as in such Warrant may be mentioned, and to seize all illegal Nets, Engines, or other Instruments, or any Salmon illegally taken, that may be found on such Premises; provided that no such Warrant shall continue in force for more than One Week from the Date thereof.

Constables or Water Bailiffs entering on Lands not to be deemed Trespassers.

27. Any Water Bailiff, Constable, Watcher, or Officer of the Board, or any Police Officer, may enter and remain upon any Lands in the Vicinity of any River or of the Sea Coast during any Hour of the Day and Night for the Purpose of preventing a Breach of the Provisions of this or the recited Acts, or of detecting the Persons guilty of any Breach thereof, and no such Person entering and remaining upon such Lands as aforesaid shall be deemed to be a Trespasser: Provided always, that the Owner or Occupier of such Land may require such Person to quit, and such Person may on Refusal be proceeded against as a Trespasser, and shall be liable to the Penalties, unless he shall prove to the Satisfaction of the Sheriff or Justices before whom he is tried that he had reason to apprehend a Breach of the Law had been or was about to be committed.

Board and its Officers to have Access to examine Dams, Weirs, &c.

28. Any Member of the District Board, or Water Bailiff, Constable, Watcher, or Officer of the Board, or any Police Officer, may examine any Dam, Weir, Cruive, or Fixed Engine within the Limits of the District, or any artificial Watercourse in that District; and any Owner or Occupier of any such Dam, Weir, Cruive, or Fixed Engine, or artificial Watercourse, refusing Access thereto to any such Member of the Board, Water Bailiff, Constable, or Officer of the Board, or any Police Officer, shall be liable to a Penalty not exceeding Five Pounds for each Offence; and any Member of the Board,

Board, or Water Bailiff, Constable, Watcher, or Officer of the Board, or any Police Officer, may search all Boats, Nets, Baskets, or Bags and other Instruments used in fishing for Salmon, or which he may have reason to suspect may contain Salmon illegally taken, and he may seize all illegal Nets, or Nets being used illegally, and other Instruments of fishing, and all Fish and other Articles liable to be forfeited under the Provisions of this Act, and generally may act as a Constable for the Enforcement of the Provisions of this Act, and when so acting shall be deemed to be a Constable.

Apprehension of Offenders.

29. It shall be lawful for any Person, without any Warrant or other Authority than this Act, *brevi manu* to seize and detain any Person who shall be found committing any Offence contained in the first Six Sub-divisions of the Fifteenth Section, or in the Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-second Sections of this Act, and to carry such Person before any Sheriff or Justice of the Peace or other Magistrate, or to deliver such Person to a Constable, who is hereby required to carry such Person before a Justice of the Peace or other Magistrate, who shall forthwith examine and discharge or commit such Person until Caution *de judicio sisti* be found, as the Case may require.

Prosecution for Offences under this Act, and Recovery of Penalties.

30. All Offences under this Act may be prosecuted, and all Penalties incurred under this Act may be recovered, before any Sheriff or any Two or more Justices acting together, and having Jurisdiction in the Place where the Offence was committed, at the Instance of the Clerk of any District Board, or of any other Person; and it shall be lawful for the Sheriff or Justices to whom any Petition or Complaint is presented to proceed in a summary Form, and to grant Warrant for bringing the Persons complained against before him or them, or for citing them to appear before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or Confession of the Person accused, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence other than a Record of the Charge and of the Judgment pronounced thereon, and to grant Warrant for the Recovery of all Penalties and Expenses decerned for by Poinding, and Imprisonment for any Period not exceeding Six Months; and any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justices pronounced in any Complaint or Prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth

Twentieth Year of the Reign of His Majesty King *George* the Second, Chapter Forty-three, for taking away and abolishing Heritable Jurisdictions in *Scotland*, with this Variation that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty and Expenses awarded against him by the Judgment appealed from in the event of such Appeal being dismissed, together with any additional Expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such Appeal; and it shall not be competent to appeal from or bring the Judgments of any Sheriff or Justices acting under this Act under Review by Advocation, or in any other Way than as herein provided.

Forfeiture of Articles found in possession of any Offender.

31. Every Person found guilty of any Offence against any of the Provisions of the recited Acts or any of them, or of this Act, shall, in addition to any other Penalties to which he may be liable, at the Discretion of the Sheriff or Justices before whom he has been tried, forfeit every Boat, Net, Rod, Line, Gaff, Spear, Leister, or other Article or Instrument of whatever kind which has been or may be used in fishing for or in taking Salmon, and which is found in the Possession of such Person at the Time of committing such Offence, and which was capable of being used in the Commission of such Offence, and also any Salmon that may be found in his Possession.

Forfeited Articles may be seized.

32. Where any Salmon, Net, Rod, Line, or other Article directed to be forfeited under this Act has been seized by any Constable, Water Bailiff, Watcher, or other Officer appointed by the Board or by any Police Officer, the Sheriff or Justices may order the same to be destroyed or handed over to the District Board, or to the Person prosecuting, to be disposed of as such Board or Person prosecuting may think fit.

Minimum Penalties.

33. The Penalty in respect of any Offence under this Act, or the recited Acts, shall, on a Conviction for a Second Offence, be not less than One Half the greatest Penalty capable of being imposed in respect of such Offence, and on a Conviction for a Third or subsequent Offence the greatest Amount of Penalty mentioned in this Act shall be imposed; and any Boat, Net, Rod, Line, or other Article or Thing used in the Commission of any Offence under this Act, or found in the Possession of the Offender, shall be forfeited.

As to Disqualification of Justices.

34. No Justice of the Peace shall be disqualified from hearing any Case arising under this Act by reason of his being a Member of a District Board; provided that no Justice shall be entitled to hear any Case in respect of an Offence committed on his own Fishery.

35. Where

Offences on Boundary Rivers or on Sea Coast where to be tried.

35. Where any Offence under this Act is committed in or upon any Waters forming the Boundary between any Two Counties, such Offence may be prosecuted before a Sheriff or Two Justices of the Peace in either of such Counties, and any Offence committed under this Act on the Sea Coast, or at Sea beyond the ordinary Jurisdiction of any Sheriff or Justices of the Peace, shall be held to have been committed within the Body of any County abutting on such Sea Coast, or adjoining such Sea, and may be tried and punished accordingly.

Fishing illegal where prohibited by existing Law.

36. It shall not be lawful to fish for or take Salmon at any Place or by any Mode prohibited by any Statute relating to Salmon or Salmon Fisheries in *Scotland* subsisting and in force at the Date of this Act; and nothing contained in this Act or in any Byelaw shall render legal any Mode of fishing which was or would have been illegal at the Date of the passing of this Act.

Title to sue.

37. Any Proprietor of a Fishery shall be held to have a good Title and Interest at Law to sue by Action any other Proprietor or Occupier of a Fishery within the District, or any other Person who shall use any illegal Engine or illegal Mode of fishing for catching Salmon within the District.

Expenses may be decerned for.

38. In giving Judgment on any Application or Complaint under this Act the Sheriff or Justices may find the Person complaining or complained against liable in Expenses, and may decern for Payment of the same.

Recovery of Penalties and Expenses.

39. All Penalties and Expenses incurred under this Act, or under any Byelaw or Regulation made under the Authority thereof, may be recovered by ordinary Action or in the Small Debt Court of the Sheriff.

Payment and Application of Penalties.

40. The Penalties incurred under this Act shall in all Prosecutions at the Instance of the Clerk of any District Board, or by any Person authorized by any District Board, be payable to and recoverable by such Clerk, and shall in all other Cases be paid and applied in such Manner as the Sheriff or Justices may direct; and all Penalties and Expenses received by the Clerk, and the Proceeds of the Sale of any Articles seized and directed to be sold as before provided, shall be applied by the District Board towards defraying the Expenses incurred by them in carrying into execution the Provisions of this Act.

Extent of Act.

41. This Act shall not extend to *England* or *Ireland;* and no Part of this Act, except the Thirteenth, Eighteenth, Twentieth, and

and Thirty-third Sections thereof, shall apply to the River *Tweed* as defined by the *Tweed* Fisheries Act, 1859; and the Penalties imposed by this Act, so far as applicable to the River *Tweed* and its Fisheries, shall be recoverable and applicable in the same Manner as Penalties imposed by the *Tweed* Fisheries Act, 1857; and the Sections of this Act hereby applied to the River *Tweed* shall be read and taken as if they formed Part of such last-mentioned Act and of *Tweed* Fisheries Amendment Act, 1859; and the Words "District Board" in the said Sections shall signify the Board of Commissioners of the River *Tweed*.

Repeal of Part of 22d and of 25th Sections of 25 & 26 Vict. c. 97.

42. So much of the Twenty-second Section of "The Salmon Fisheries (*Scotland*) Act, 1862," as confers on District Boards the Power "to make and alter from Time to Time Regulations for the "Preservation of the Fisheries in the District," and the Twenty-fifth Section of said Act, are hereby repealed.

This Act not to affect Liabilities incurred or Offences committed.

43. This Act shall not affect any Action or Prosecution which has been or may hereafter be begun in respect of any Liability incurred or Offence committed before the passing of this Act.

SCHE-

SCHEDULES.

SCHEDULE (A.)

BYELAW.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to fix "for the Purposes of this [the first-recited] Act the Limits of every District, and the "Portions of the Sea Coast adjoining to the Mouth or Estuary of any River to be "included in such District,"— and "to fix for the Purposes of this [the first-recited] Act "a Point on each River (including the Estuary thereof) below which the Proprietors of "Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries "shall be Upper Proprietors,"— do hereby fix and determine—

1st. That the Limits of the District of the River Add shall be—on the North, Craignish Point; on the South, Knap Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River contained between the said Points.

2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 600 Yards below the Junction of the Burn which runs by Dreamore Steading, known as Ruddell Burn; the Distance to be measured along the Course of the Add River.

Given under our Hands, this 24th Day of December 1862.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE. } Commissioners.

Fisheries Department, Home Office.

Approved,
G. GREY.

Whitehall, 30 January 1863.

(This Byelaw to take effect from the 10th Day of February 1863.)

The same Byelaw shall apply to the several Districts, according to the Limits thereof, and take effect from the Dates, under mentioned respectively.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
ALINE - - -	1st. That the Limits of the District of the River Aline shall be — on the West, the East End of Fuenary Island; on the East, Barony Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge at the Castle.	10th Feb. 1863.
ALNESS - - - -	1st. That the Limits of the District of the River Alness shall be — a Line drawn South from the Left Bank of the Mouth of the Aultgraad River to the Centre of the Firth at High Water, and along the Centre of the Firth as far as Invergordon Ferry, and continued thence by a straight Line to the Ferry Landing place at Majick Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from Munro of Novars Ice House on the West Bank of the River to Dalmore Distillery Chimney on the East Side of the River.	10th Feb. 1863.
ANNAN - - -	1st. That the Limits of the District of the River Annan shall be — on the West, a Line drawn due South (true) from the Easternmost End of East Park Farm, Sea Bank; on the East, the West Bank or Side of the Water Sark; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Dyke or Mill Dam immediately below the Bridge of the Public Road from Dumfries to Annan.	10th Feb. 1863.
APPLECROSS - -	1st. That the Limits of the District of the River Applecross shall be — on the North, Ru-na-Uag Point, at or near the Mouth of Loch Torridon; on the South, Skier Vore Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the East Gable of the Manse on the Right Side of the River Applecross to the Corner next the Sea of the Dyke Slit on the Left Bank enclosing Fuilein Park.	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Arnisdale (in Loch Hourn)	1st. That the Limits of the District of the River Arnisdale (in Loch Hourn) shall be — on the North, a Line drawn due East from the North End of Sandag Island; on the South, Aird-na Slishnich Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Stepping Stones 70 Yards above the Foot Bridge at Corran Village.	10th Feb. 1863.
Awe - - -	1st. That the Limits of the District of the River Awe shall be — on the North Point, Appin Ferry, including the East Shore of Lismore Island; on the South, Craignish Point, excepting Loch Crinan, the Loch to be defined by a Line drawn from the Southernmost Point of the Mainland immediately North of Enska Island, and continued along the Outer Face of that Island to the projecting Point of the Mainland nearest to the South-west Point of the said Island, and excepting the Portions of the Sea Coast and Estuary, and River contained between Minard Point and the Bridge from the Mainland over Siel Sound to Siel Island; the Awe District to include all the Islands within the said Limits South of Lismore Island, East of the Island of Mull and North of Jura; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with and across the River from the Ice House immediately above the House in the Occupation of Mr. David Baird, at present Tacksman of the Awe Fishings.	10th Feb. 1863.
Aylort (Kinloch) - -	1st. That the Limits of the District of the River Aylort (Kinloch) shall be — on the North, Ru-Arasaig; on the South, Ru-smersiri; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Burn on the Left Bank of the Aylort next below the Bridge opposite Kinloch Aylort Inn.	10th Feb. 1863.
Ayr - - -	1st. That the Limits of the District of the River Ayr shall be — on the North, the Lighthouse	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
AYR—*continued.*	on the Point of Troon Harbour; on the South, a Line drawn due West from Seafield House; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the lower Dyke or Dam at Ayr Mills.	
BALGAY - - - -	1st. That the Limits of the District of the River Balgay shall be — On the East, the Mouth of the Burn at Camushole, near the South-east Corner of Upper Loch Torridon; on the West, Ru na Uag Point, at or near the Mouth of Lower Loch Torridon; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 140 Yards below the Foot Bridge on the Path from Shieldag to Torridon.	10th Feb. 1863.
BAA and GLENCOILLEADAR -	1st. That the Limits of the District of the Rivers Baa and Glencoilleadar shall be — Ardmore Point at the North-west Entrance of the Sound of Mull on the North; Fidden Point in the Sound of Iona on the South, including Coll Tiree and other Islands lying to the West of the Coast between those Two Points; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, BAA, Ford at Saw Mill and Water Wheel on the Right Bank, being the nearest Mill to the Mouth of the River; GLENCOILLEADAR, Bridge of Road from Craignure to Bunessan.	23d May 1865.
BEAULY - - -	1st. That the Limits of the District of the River Beauly shall be — A straight Line drawn from the North Pier to the South Pier of Kessock Ferry; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Public Road from Inverness to Beauly, commonly called Beauly Bridge.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
BADACHRO and KERRY (in Gairloch).	1st. That the Limits of the District of the Rivers Badachro and Kerry in Gairloch shall be — on the North, Ru Bane, on the South, Ru Ruag; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the River BADACHRO, the Rapid 80 Yards above the Herring Store on the Left Bank of the River; 2d. on the River KERRY, the Site of the Old Foot Bridge at the Mouth of the River.	9th Oct. 1863.
BLADENOCH - - -	1st. That the Limits of the District of the River Bladenoch shall be — on the West, Gillespie River; on the East, Bishop's Burn; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 400 Yards below the Dyke of Bladenoch Distillery.	10th Feb. 1863.
BERRIEDALE - -	1st. That the Limits of the District of the River Berriedale shall be — on the South, the Boundary of the Counties of Sutherland and Caithness; and on the North, a Line drawn South-east from Dunbeath Castle; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Row of Cottages on the Beach on the Left Bank of the River to the Fish Smoking House on the Right Bank.	10th Feb. 1863.
BERVIE - - -	1st. That the Limits of the District of the River Bervie shall be — on the North, the Boundary between the Parishes of Dunnottar and Kineff; on the South the Boundary between the Parishes of Bervie and Benholm; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Cruive Dyke next the Mouth of the River.	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Broom - - -	1st. That the Limits of the District of the River Broom shall be — on the North, the Boundary between that Portion of the County of Cromarty and of the County of Ross ; and on the South, Cailleach Head ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn between Loch Broom Kirk on the Left Bank and the School House on the Right Bank of the River.	10th Feb. 1863.
Brora - - -	1st. That the Limits of the District of the River Brora shall be — on the South, Strathsteven Point; on the North, Crackaig Point ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Golspie to Wick.	9th Oct. 1863.
Carradale (in Cantyre) -	1st. That the Limits of the District of the River Carradale in Cantyre shall be —Skipness Point on North ; Mull of Cantyre on South, including Davar and Sanda Islands ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be — Remains of Bridge on old Road between Skipness and Campbeltown.	24th Nov. 1865.
Carron - - -	1st. That the Limits of the District of the River Carron shall be — on the North, the Aird ; on the South, Kyle Akin Ferry ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Bridge over Beachan Water, on the Public Road from Jeantoun to Dingwall to the West End of Achintee Village.	10th Feb. 1863.
Clayburn, Finnis-Bay, Aven-nan-geren, Strathgravat, North Lacastile, Scalladale, and Mawrig (East Harris).	1st. That the Limits of the District of the Rivers Clayburn, Finnis-Bay, Aven-nan-geren, Strathgravat, North Lacastile, Scalladale, and Mawrig shall be— on the South Ru Renish, and on the North the Boundary between Lewis	31st Dec. 1867.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
CLAYBURN, FINNIS-BAY, AVEN-NAN-GEREN, STRATHGRAVAT, NORTH LACASTILE, SCALLADALE, and MAWRIG (East Harris)—*cont.*	and Harris, including the Island of Scalpa; and that the District shall consist of the Portions of the Sea Coast, and the Estuaries and Rivers contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, with regard to the Clayburn River, the Wooden Bridge over the River; with regard to the Finnis-Bay River, the Bridge on the Finnis-Bay Road; with regard to the Aven-nan-geren River, the Bridge on the Cuidenish Road; with regard to the Strathgravat River, the Rock in the Channel of the River reached by Spring Tides; with regard to North Lacastile River, the Bridge over River; with regard to Scalladale and Mawrig Rivers, the Bridge on Road from Stornoway to Tarbert.	
CLYDE and LEVEN - -	1st. That the Limits of the District of the Rivers Clyde and Leven shall be — on the North, Strone Point at the North End of Holy Loch; and on the South, Fairlie Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the CLYDE, the Dam or Dyke of the Glasgow Waterworks; and on the LEVEN, a Line drawn at Right Angles with the River from the Tail Lade of Dalquhirn Dyeworks.	10th Feb. 1863.
CONON - - -	1st. That the Limits of the District of the River Conon shall be — on the North, Tarbet Ness; on the South, West Sutor Point, excepting that Portion of the North Side of the Cromarty Firth contained within a Line drawn South from the Left Bank of the Mouth of the Aultgraad River to the Centre of the Firth at High Water, and along the Centre of the Firth as far as Invergordon, and continued thence by a straight Line to the Ferry Landing-place at Majick Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge (commonly called Conan Bridge) of the Public Road from Inverness to Dingwall.	10th Feb. 1863.
CREE - - -	1st. That the Limits of the District of the River Cree shall be — on the West, Bishop's Burn; on the East, the Point South of Mossyard called Ringdow Points; and that the District	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
CREE—*continued.*	shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Castle of Machermore, in the Occupation of James Kinna, Esq., on the Left Bank, to Corvish House, in feu to Mrs. M'Kirlie, on the Right Bank.	
CREED or STORNOWAY and LAXAY.	1st. That the Limits of the District of the Rivers Creed or Stornoway and Laxay shall be — Chumpan or Tiumpan Head on the North, to Boundary between Lewis and Harris on the South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be — CREED, the Fall opposite Sir James Matheson's Grotto on the Left Bank of the River about 80 Yards above the Place where the High-water Channel is divided into Two by a Rocky Island; LAXAY, Rock called Fellow Rock, Man Rock or Cruich-a-dhuinne.	22d May 1868.
CRERAN - - -	1st. That the Limits of the District of the River Creran shall be — a Line drawn from the Southernmost Point of the Mainland immediately North of Eriska Island, and continued along the outer Face of that Island to the projecting Point of the Mainland nearest to the South-west Point of the said Island; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Ford a little above Clark's Farmhouse of Glasdrum.	2nd Dec. 1864.
CROWE and SHIEL (Loch Duich).	1st. That the Limits of the District of the Rivers Crowe and Shiel shall be — on the North, Eilean Donan Castle; on the South, Kyle Rhea Ferry; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the CROWE,	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Crowe and Shiel (Loch Duich)—*continued.*	450 Yards, measured down the Course of the Crowe from the Bridge over the said River of the public Road from Shiel to Dornie Ferry; and on the Shiel 200 Yards measured down the Course of the Shiel from the Bridge over the said River of the public Road from Kyle Rhea to Dornie Ferry.	
Dee (Aberdeenshire)	1st. That the Limits of the District of the River Dee (Aberdeenshire) shall be — on the North, the March Stone heretofore placed for the Purpose of dividing the Coast Fishings of the Dee and the Don Rivers; and on the South, the Boundary between the Parishes of Dunnottar and Kineff; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Boundary between Pot and Ford Fishings and the Poldown Fishings, to the Boundary between the Pot and Ford Fishings and the Ruthrieston Fishings.	10th Feb. 1863.
Dee (Kirkcudbright) -	1st. That the Limits of the District of the River Dee (Kirkcudbright) shall be — on the West, a straight Line drawn from the Summit of Bar Hill to the most Northernly Point of Barlocco Island, and continued through the Isle on the East Aird Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Fishing House on the Left Bank of the River to the North End of Ashton Villa, the Property of Murray Stewart, Esq., and in feu to James Knoworthy, Esq.	10th Feb. 1863.
Deveron - - -	1st. That the Limits of the District of the River Deveron shall be — on the West, Cowhyth Point; on the East, Cairnbulg Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Fall immediately below the Island below Kickside.	10th Feb. 1863.
Don - - - -	1st. That the Limits of the District of the River Don shall be — on the North, the Northern Boundary of the Fishings of Menie; and on	1st May 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
DON—*continued.*	the South, the March Stone heretofore placed for the Purpose of dividing the Coast Fishings of the Dee and Don Rivers; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River from the Outlet of the Tail Lade of the Mill on the Left Bank, immediately below Seaton House.	
DOON - - - -	1st. That the Limits of the District of the River Doon shall be — on the North, a Line drawn due West from Seafield House; on the South, Turnberry Castle Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Dyke or Mill Dam next the Mouth of the River.	10th Feb. 1863.
DRUMMACHLOY or GLENMORE (Isle of Bute.)	1st. That the Limits of the District of the River Drummachloy or Glenmore, Island of Bute, shall be the whole Coasts of the Islands of Bute, Inchmarnoch, Greater and Lesser Cumbraes. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Public Road between Rothesay and Kilmichael.	22d Nov. 1867.
DUNBEATH - - -	1st. That the Limits of the District of the River Dunbeath shall be — on the South, a Line drawn South-east from Dunbeath Castle; and on the North, Ulbster Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Point of 120 Yards above Line to be drawn from the Fish Smoking House on the Right Bank to the Cross Fence Dyke opposite to the said Fish Smoking House, and running at Right Angles with the River, on the Left Bank of the said River.	10th Feb. 1863.
ECKAIG - - -	1st. That the Limits of the District of the River Eckaig shall be — on the North, Strone Point at the North End of Holy Loch; and on the South, Strone Point in the Kyles of Bute;	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
ECKAIG—*continued.*	and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the High Road from Dunoon to Kilmun.	
NORTH ESK - - -	1st. That the Limits of the District of the River North Esk shall be — on the North, the Boundary between the Parishes of Bervie and Benholm ; on the South, the March between the Properties of Montrose and Charlton ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn across the Ford above Fluke Hole, from the East End of the Land Embankment on the Right Side of the River, to the Pigeon House under Kirkside Plantation, on the Left Side of the River.	1st May 1863.
SOUTH ESK - - -	1st. That the Limits of the District of the River South Esk shall be — on the North, the March between the Properties of Montrose and of Charlton ; on the South, Red Head ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of Dun.	10th Feb. 1863.
EWE - - -	1st. That the Limits of the District of the River Ewe shall be — on the North, Greenstone Point; on the South, Ru Bane, opposite the North End of Longa Island ; and that the Districts shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the Public Road from Aultbea to Pool Ewe.	10th Feb. 1863.
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris).	1st. That the Limits of the District of the Rivers Fincastle, Meaveg, Ballanachist, South Lacastile, Borve, and Obb, on the West Coast of Harris, shall be—on the North, the most Northernly Point of the Island of Scarpa, thence along the West and South Coast of that Island, and by	31st Dec. 1867

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris) — *continued.*	the shortest Line to the Mainland of Harris; and on the South Ru Renish, including the Islands of Taransay, Ensay, and Killegray; and that the District shall consist of the Portions of the Sea Coast and the Estuaries and Rivers contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be — with regard to the Fincastle River, the Top of the Sea Pool at High Water; with regard to the River Meaveg, the Bridge on the High Road between Tarbert and Fincastle; with regard to the River Ballanachist, the Ford on the Road from Tarbert to Fincastle; with regard to the South Lacastile River, the Ford on the Road from Tarbert to Luscantire; with regard to the Borve River, the Bridge at Borve; and with regard to the Obb River, the Mill at Obb.	
FINDHORN	1st. That the Limits of the District of the River Findhorn shall be — on the West, a Line drawn due North-west (true) from the Summit of Macbeth's Hillock, and on the East, the Ditch known as Cooper's Ditch, being the Boundary between the Properties of Lady Dunbar Brander, and Sir Alexander Gordon Cumming, Bart.; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Chimney of the Steam Engine of Netherton, of Grange Farm, Steading, to the North End of the Cot House, now in the Occupation of the Shepherd, Donald McLellan on Seafield Farm, and continued across the River.	10th Feb. 1863.
FLEET (Sutherlandshire)	1st. That the Limits of the District of the River Fleet (Sutherlandshire), shall be—on the South, EmboPoint; on the North, StrathstevenPoint; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Mound.	9th Oct. 1863.
FLEET (Kirkcudbright)	1st. That the Limits of the District of the River Fleet (Kirkcudbright), shall be — on the West, the Point South of Moss Yard, called Ringdow Point; on the East, a straight Line drawn from the Summit of Bar Hill to the most Northernly Point of Barlocco Isle, and continued through the Isle; and that the District shall consist	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
FLEET (Kirkcudbright) — *continued.*	of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the High Road from Castle Douglass to Newton Stewart.	
FORSS - - -	1st. That the Limits of the District of the River Forss shall be — on the East, Brims Head; on the West, the Boundary between the Counties of Caithness and Sutherland; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the North Side of the Fishing House on the Beach, and on the Right Bank of the River, at Right Angles with the River.	10th Feb. 1863.
FORTH - - -	1st. That the Limits of the District of the River Forth shall be — on the North, Fife Ness; on the South, the Boundary between the Counties of Haddington and of Berwick; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the FORTH, the Craigforth Cruive Dyke; and on the ALLAN, the Scottish Central Railway Bridge.	10th Feb. 1863.
FYNE (Loch) -	1st. That the Limits of the District of Loch Fyne shall be — on the East, Ardlamont Point; on the West, Skipness Castle Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road from Inverary running round the Head of Loch Fyne over the Rivers Aray, Shira, and Fyne.	10th Feb. 1863.
GIRVAN - - -	1st. That the Limits of the District of the River Girvan shall be — on the North, Turnberry Castle Point; on the South, Bennane Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
GIRVAN—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 100 Yards below the Bridge on the High Road from Ayr to Girvan.	
GLENELG - - -	1st. That the Limits of the District of the River Glenelg shall be — on the North, Kyle Rhea Ferry ; on the South, a Line drawn due East from the North End of Sanday Island ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Stepping-stones across the River from Kirkton on the Left Bank to Galder on the Right Bank.	10th Feb. 1863.
GOUR - - -	1st. That the Limits of the District of the River Gour shall be — on the North, the Landing Place at Corran Ferry ; and on the South, a Point Two Statute Miles to the Southward of the River Gour ; the Distance to be measured along the Coast at High-water Mark from the Easternmost Point of the South Bank of the said River's Mouth ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Sallachan Bridge.	10th Oct. 1863.
GREISS, LAXDALE, and TONG or THUNGA.	1st. That the Limits of the District of the River Greiss shall be Butt of Lewis on the North ; Chumpan or Tiumpan Head on the South ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be GREISS Stone Wall on Left Bank running North and South a little to the Eastward of Greiss Shepherd's House, and extending down to the River. LAXDALE — Line due South from Giarraidh Scoir. TONG or THUNGA—Ford of Sands Road which passes Manse.	22d May 1868.
GRUDIE or DIONARD -	1st. That the Limits of the District of the River Grudie or Dionard shall be — on the East, Cave of Smoo ; on the West, Cape Wrath ; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
GRUDIE or DIONARD—*cont.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Site of the old Cruives above Rocky Island.	
GRUINARD and LITTLE GRUINARD.	1st. That the Limits of the District of the Rivers Gruinard and Little Gruinard shall be — on the East, Statie Point; on the West, Greenstone Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Lodge in the Occupancy of Major Duff, at Right Angles with the River.	10th Feb. 1863.
HALLADALE - - -	1st. That the Limits of the District of the River Halladale shall be — on the East, the Boundary between the Counties of Caithness and Sutherland; on the West, Rhu-na-Claich; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Ferry on the Road from Thurso to Tongue.	9th Oct. 1863.
HELMSDALE - - -	1st. That the Limits of the District of the River Helmsdale shall be — on the South, Crakaig Point; on the North, Boundary between the Counties of Caithness and Sutherland; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the West Dyke of the Burying Ground at Helmsdale to the Cross Dyke opposite.	9th Oct. 1863.
HOPE and POLLA, or STRATHBEG.	1st. That the Limits of the District of the Rivers Hope and Polla, or Strathbeg, shall be — on the East, Strone-an-dainf; on the West, Cave of Smoo; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, for the HOPE, the Bottom of "Great Hill Pool," 48 Yards below the old Cruives; and for the River POLLA, the Bridge of the Road from Tongue to Durness.	9th Oct. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
INCHARD - - -	1st. That the Limits of the District of the River Inchard shall be — on the North, Cape Wrath; on the South, Ardmore Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Cruive below Bridge of public Road from Durness to Scourie.	9th Oct. 1863.
INNER (in Jura) - -	1st. That the Limits of the District of the River Inner in Jura shall be — the whole Coasts of the Islands of Jura and Scarba, with the Rocks and Islets adjoining thereto. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the End of Wall extending to Right Bank of River from Keeper's House.	24th Nov. 1865.
INVER - - -	1st. That the Limits of the District of the River Inver shall be — on the North, Stoirhead; on the South, Kirkaig Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Inver to Lairg.	9th Oct. 1863.
IORSA (in Arran) - -	1st. That the Limits of the District of the River Iorsa in Arran shall be — the whole Coast of the Island of Arran, including Pladda and Lamlash, or Holy Island. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge below Iorsa Cottage.	24th Nov. 1865.
IRVINE and GARNOCK -	1st. That the Limits of the District of the Rivers Irvine and Garnock shall be — on the North, Fairlie Head; on the South, the Lighthouse on the Point of Troon Harbour; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Fullerton Bridge on the IRVINE, and the Bridge of the Glasgow and South-western Railway on the GARNOCK.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
KENNART - - -	1st. That the Limits of the District of the River Kennart shall be — on the North, Ru Dunan Point; on the South, a Line drawn from the South-east Point of Isle Martin to Ardmair Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained, between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the High Road from Inver to Ullapool.	10th Feb. 1863.
KINLOCH (Kyle of Tongue) -	1st. That the Limits of the District of the River Kinloch (Kyle of Tongue) shall be — on the East, Port Lamigoe; on the West, Strone-an-dainf; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be Stepping Stones above Kinloch Farm House.	9th Oct. 1863.
KILCHOAN or INVERIE (Loch Nevis).	1st. That the Limits of the District of the River Kilchoan or Inverie (Loch Nevis) shall be — on the North, Ardna Slishnich Point; on the South, Maleg Rocks; and that the District shall consist of the Portion of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River, from the End nearest the River of the Dyke next below Kilchoan House.	10th Feb. 1863.
KIRKAIG - - -	1st. That the Limits of the District of the River Kirkaig shall be — on the North, Kirkaig Point; on the South, the Dunan Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Head of the Pool below the Old Cruives known as the Craigford Pool.	10th Feb. 1863.
KISHORN - -	1st. That the Limits of the District of the River Kishorn shall be — on the North, Skeir Vore; and on the South, the Aird; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
KISHORN—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road from Jeantoun to Applecross.	
KYLE OF SUTHERLAND -	1st. That the Limits of the District of the Kyle of Sutherland shall be — on the East, Tarbet Ness; on the West, Embo Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be — on the OYKILL, the End next the Rim of the Cross Dyke at the West End of the Castlehaugh situated at Side of public Road from Lairg to Oykill Bridge; on the CASSILY, the End next the Run of the Cross Dyke on the Left Bank of the Cassily next to its Junction with the Oykill; on the SHIN, the Upper End of the Garden Pool; on the CARRON, a Line drawn from Balganowan Fishing House on the Right Bank to the Chimney of the Steam Engine of the Farm of Inver Carron on the Left Side of the River.	10th Feb. 1863.
LAGGAN and SORN (in Islay)	1st. That the Limits of the District of the River Laggan in Islay shall be — the whole Coast of the Islands of Islay, Colonsay, and Oronsay, with the Rocks and Islets immediately adjoining thereto. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be — LAGGAN Corner of Wall with Field Gate on the Right Bank at First Bend from River Mouth; SORN, Fence of Islay House Grounds.	24th Nov. 1865.
LAXFORD - - -	1st. That the Limits of the District of the River Laxford shall be — on the North, Ardmore Point; on the South, Stoirhead; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Durness to Scourie.	9th Oct. 1863.
LEVEN - - -	1st. That the Limits of the District of the River Leven shall be — on the North, the Landing-place on the Inverness-shire Shore of Corran Ferry; on the South, the projecting Point North-west of Ardsheal House; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
LEVEN—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 150 Yards below the Boine Burn on the Right Bank of the River, the Distance to be measured down the Course of the River.	
LITTLE BROOM - -	1st. That the Limits of the District of the River Little Broom shall be—on the North, Cailleach Head; on the South, Statie Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn due North-east from the Saw Mill, the Property of Hugh Mackenzie of Dundonnell, Esquire.	9th Oct. 1863.
LOCHY - - -	1st. That the Limits of the District of the River Lochy shall be — on the West, Barony Point; on the East, Port Appin Ferry, including the West Coast of Lismore, excepting those Portions of the Coast and Estuary and Rivers which lie between a Point two Statute Miles to the Northward of the Mouth of the River Scaddle, the Distance to be measured by a Line drawn along the Shore at High-water Mark from the most Southernly Point on the Left Bank of the Mouth of the said River, and the March Burn forming the Boundary between the Properties of Ardgour and Kingairloch, and excepting the Portions of the Sea Coast and Estuary and River which lie between the Landing Place on the Inverness Shore of Corran Ferry and the projecting Point North-west of Ardsheal House; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be One Quarter of a Mile above the Suspension Bridge on the public Road from Bannavie to Fort William, the Distance to be measured along the Course of the River.	6th Oct. 1863.
LOCH LONG (Luingi and Elchaig).	1st. That the Limits of the District of Loch Long (Luingi and Elchaig) shall be — on the West, Kyle Akin Ferry; on the East, Eilean Donan Castle, together with that Portion of the Island of Skye which lies between Kyle Akin and Kyle Rhea Ferries; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Loch Long (Luingi and Elchaig)—*continued.*	2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River immediately below the Junction of the Luingi and Elchaig.	
Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail.	1st. That the Limits of the District of Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail, shall be — Butt of Lewis on the North-east to Gobnah Airde Moire on the Ordnance Map, called Ru-a-Chruidh on the Admiralty Chart, on the South-west; and that the District shall consist of the Portions of the Sea Coast and the Estuary and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, Blackwater, lowest Bridge, namely, that of public Road from Stornoway to Uig; Grimersta, Cruive below lowest Bridge, namely, that of public Road from Stornoway to Uig; Morsgail, lowest Bridge, namely, that of public Road from Stornoway to Uig.	22d May 1868.
Luce - - - -	1st. That the Limits of the District of the River Luce shall be — on the West, the Lighthouse on the Mull of Galloway; and on the East, Gillespie River; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Point of the Bent of Balcarrie, the Property of Sir John Dalrymple Hay, Bart., to the Cottage in the Occupation of John Baillie of the Island, also the Property of the said Sir John Dalrymple Hay.	10th Feb. 1863.
Lossie - - - -	1st. That the Limits of the District of the River Lossie shall be — on the West, the Ditch known as Cooper's Ditch, being the Boundary between the Properties of Lady Dunbar Brander and Sir Alexander Gordon Cumming, Bart.; and on the East, a Line, drawn due North (true) from the West End of the Bent Hills on the Right Bank of the said River Lossie; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Ford on the old Road from Lossie-Mouth to Garmouth.	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
Lussa (Mull) and River, Loch Uisk to Loch Buy.	1st. That the Limits of the District of the River Lussa (Mull) and River from Loch Uisk to Lock Buy shall be Duart Castle, at the South-east; Entrance of the Sound of Mull, on the North-east; Fidden in the Sound of Iona, including Earraid Island on the South-west; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, Lussa, Junction of the First Stream from the Left Bank down from the Bridge of the public Road over the Lussa to Loch Buy, which Stream flows through the Bridge on the public Road between Craignure and Loch Scraidain; River from Loch Uisk into Loch Buy, Line of North or North-west Side of Moy Castle.	23d May 1865.
Moidart - - -	1st. That the Limits of the District of the River Moidart shall be — a Line, drawn in a Northernly Direction from a Point of Land or Rock on the Mainland of the South Shore of Loch Moidart, called Stroulinorg, through the Centre of the Island called Eilean Grucach or Gruachan, thence through that Portion of the Island of Strona called Stronabeg till it reaches the Mainland of the North Shore of Loch Moidart; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 200 Yards (to be measured by the Course of the River) down Stream from the Bridge over the Moidart on the Road from Moidart to Shiel.	10th Feb. 1863.
Morar - - - -	1st. That the Limits of the District of the River Morar shall be — on the North, Maleg Rocks; on the South, Ru-Arasaig; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road to Arasaig.	10th Feb. 1863.
Mullanageren, Horasary, and Loch-na-Ciste (North Uist).	1st. That the Limits of the District of the Rivers Mullanageren, Horasary, and Loch-na-Ciste shall be the whole Coasts of the Island of North Uist, including the Islands of Pabbay, Berneray, Baleshare, and adjacent Islets; and that the District shall consist of the Portions	31st Dec. 1867.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
MULLANAGEREN, HORASARY, and LOCH-NA-CISTE (North Uist)—*cont.*	of the Sea Coast, and the Estuaries and Rivers of the said Islands. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be—with regard to the Mullanageren River, the Mill on the River; with regard to the Horasary River, the Bridge over the River; and with regard to Loch-na-Ciste, the Bridge on the South Road.	
NAIRN - - -	1st. That the Limits of the District of the River Nairn shall be—on the West, a Point on the Coast Two and One Half Statute Miles, to be measured Westward in a straight Line from the outer End of the West Pier of Nairn Harbour, and on the East a Line drawn due North-west (true) from the Summit of Macbeth's Hillock; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road over the Nairn River from Nairn to Forres.	10th Feb. 1863.
NAVER and BORGIE - -	1st. That the Limits of the District of the Rivers Naver and Borgie shall be—on the East, Armadale Point; on the West, Port Larmigoe; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be,—for the River NAVER, the Ferry at the Road from Thurso to Tongue; for the River BORGIE, the Foot Bridge between Torrisdale and Borgie Lone.	27th Nov. 1863.
NESS - - -	1st. That the Limits of the District of the River Ness shall be—on the West, a straight Line drawn from the North Pier to the South Pier of Kessock Ferry; on the East, a Point on the Coast Two and One Half Statute Miles, to be measured Westward in a straight Line from the Outer End of the West Pier of Nairn Harbour, and on the North-west Sutor Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a straight Line drawn at Right Angles with the River, at the lowest Point of the Island.	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
NELL, FEOCHAN, and EUCHAR (Loch Feochan).	1st. That the Limits of the District of the Rivers Nell, Feochan, and Euchar shall be — on the North, Minard Point; on the South, the Bridge from the Mainland over Siel Sound to Jul Island; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, the Rivers NELL and FEOCHAN, the Bridge of the public Road between Oban and Airdrishaig; and for the River EUCHAR, an Extension of the Line of Cross Stone Dyke on Left Bank of the River below the Free Church and a little above Breadalbane Fishing House.	2d Dec. 1864.
NITH - - -	1st. That the Limits of the District of the River Nith shall be — on the West, the most projecting Point of Land, South-east of Whitehill, between Portling Bay and Portowarren Bay; on the East a Line drawn due South (true) from the Easternmost End of East Park Farm, Sea Bank; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Dyke or Mill Dam next the Mouth of the River.	10th Feb. 1863.
ORMSARY (Loch Killisport), LOCH HEAD RIVER, and STORNOWAY (Mull).	1st. That the Limits of the District of the Rivers Ormsary (Loch Killisport), Loch Head River, and Stornoway (Mull) shall be — Knap Point on the North, Mull of Cantyre on the South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, ORMSARY, Fall 60 Yards below Bridge of public Road along Shore; LOCH HEAD RIVER, Upper End of new straight Cut or Channel on Left Bank of River, which New Cut has been closed up at the Ends; STORNOWAY RIVER, Bridge of public Road to Lergnahunseon; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points.	2d May 1865.
PENNYGOWN or GLENFORSA and AROS.	1st. That the Limits of the District of the Rivers Pennygown or Glenforsa and Aros shall be — on the East Duart Castle, and on the West Ardmore Point at the Two Extremities of the Sound of Mull; and that the District shall consist of the Portions of the Sea Coast and	2d May 1865.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
PENNYGOWN or GLENFORSA and AROS—*continued.*	the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, PENNYGOWN, Rocky Waterfall about 100 Yards above general Time of High Water at Beach; AROS, Bridge of Road between Salen and Tobermory.	
RESORT - - -	1st. That the Limits of the District of the River Resort shall be — Gobnah Airde Moire, on the Ordnance Map called Ru-a-Chruidh on the Admiralty Chart in Lewis, on the North or East through the shortest Distance between the Main Land of Harris to Scarpa Island, and to the most Northernly Point of that Island on the South or West; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Mouth of Stream in Harris immediately below Mr. Milbank's Cottage.	22d May 1868.
RUEL or DARUEL - -	1st. That the Limits of the District of the River Ruel or Daruel shall be — on the West, Ardlamont Point; on the East, Strone Point, in the Kyles of Bute; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Head of Island in Gosthen, Ferninach Field, on the Farm of Loch Head, the Property of Mrs. Campbell, Ormidale House.	10th Feb. 1863.
SANDA - - -	1st. That the Limits of the District of the River Sanda shall be—on the North, a Point Two Statute Miles to the Southward of the Mouth of the River Gour, the Distance to be measured along the Coast at High-water Mark from the Easternmost Point of the South Bank of the said River's Mouth; and on the South the March Burn forming the Boundary between the Properties of Ardgour and Kingairloch; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a straight Line drawn from a Rock known as the Sanda Rock	17th July 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
SANDA—*continued.*	to the Smearing House, which is 70 Yards below the Stepping Stone, in the Ford below the Farmhouse of Inversanda.	
SCADDLE - - -	1st. That the Limits of the District of the River Scaddle shall be — on the North, a Point Two Statute Miles to the Northward of the Mouth of the River Scaddle, the Distance to be measured by a straight Line from the most Southernly Point on the Left Bank of the Mouth of the River, and on the South the Landing-place on the Argyllshire Shore of Corran Ferry; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the public Road from Inverscaddle to Corran Ferry.	10th Feb. 1863.
SHIEL (Loch Shiel) - -	1st. That the Limits of the District of the River Shiel, Loch Shiel, shall be — on the North Ru Smirsiri, and on the South Stron Beg in the Sound of Mull, excepting that Portion of the Coast and Estuary and River contained within a Line drawn in a Northernly Direction from a Point of Land or Rock on the Mainland on the South Shore of Loch Moidart called Stroulinorg, through the Centre of the Island, called Eilean Grucach, thence through that Portion of the Island of Strona called Stronabeg till it reaches the Mainland of the North Shore of Loch Moidart; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Site of the Cruives.	10th Feb. 1863.
SLIGACHAN, BROADFORD, and PORTREE.	1st. That the Limits of the District of the Rivers Sligachan, Broadford, and Portree shall be — South Coast included between Ru Ard de Cheolan or Aird Point on North to Sleat Point on South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, SLIGACHAN, Forrester's House at Mound on Left Bank of the River; BROADFORD, Mr. Mackinnon's Shepherd's House; PORTREE, Foot Bridge to Bentmore Farm.	2d May 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
SNIZORT, ORLEY, OZE (Loch Bracadale), and DRYNOCH (Loch Harport).	1st. That the Limits of the District of the Rivers Snizort, Orley, Oze (Loch Bracadale), and Drynoch (Loch Harport) shall be — West Coast included between Ru Ard de Cheolan or Aird Point on North; Sleat Point on South; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the Rivers, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, SNIZORT, at the Rocky Fall at Meal Mill on Right Bank; ORLEY, Bridge of public Road near Caroy Inn on Map; OZE, Upper End of Old Yairs; DRYNOCH, Head of Loch Harport, Bridge of public Road, Dunvegan to Sligachan.	23d May 1865.
SPEY - - -	1st. That the Limits of the District of the River Spey shall be — on the West, a Line drawn due North (true) from the West End of the Bent Hills on the Right Bank of the River Lossie, and on the East Cowhyth Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Gasworks Chimney at Garmouth to Flood Farmhouse in the Occupation of Adam Robertson, and the Property of the Duke of Richmond.	10th Feb. 1863.
STINCHAR - -	1st. That the Limits of the District of the River Stinchar shall be — on the North Bennane Head; on the South the Lighthouse on the Mull of Galloway; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be 200 Yards below the Bridge of the High Road from Ballantrae to Stranraer.	20th Sept. 1867.
STRATHY - -	1st. That the Limits of the District of the River Strathy shall be—on the East, Rhu-na-Claich; on the West, Armadale Point; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge on the Road from Thurso to Tongue.	9th Oct. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
SUNART (Loch)	1st. That the Limits of the District of Loch Sunart shall be — on the East, the End of Fuenary Island; on the West, Stron Beg in the Island of Mull; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be on the River STRONTIAN, Bridge of public Road from Strontian to Sheilbridge; on River CARNICH, Bridge of Road to Carnich Farm and Loch Head.	13th Oct. 1863.
TAY	1st. That the Limits of the District of the River Tay shall be — on the North, Red Head; on the South, Fife Ness; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be, on the TAY, the Bridge of Perth; on the EARN, the North British Railway Bridge.	10th Feb. 1863.
THURSO	1st. That the Limits of the District of the River Thurso shall be — on the East, Duncansbay Head, and on the West, Brims Ness; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Bridge of the public Road at Thurso.	10th Feb. 1863.
TORRIDON	1st. That the Limits of the District of the River Torridon shall be — on the North, Ru Ruag; and on the South, the Mouth of the Burn at Camustrole near the South-east Corner of Upper Loch Torridon; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the Stepping Stones leading from Torridon Road to Shieldag.	10th Feb. 1863.
TWEED	*See* the End of this Schedule.	
UGIE	1st. That the Limits of the District of the River Ugie shall be — on the North, Cairnbulg Point; on the South, the Boundary between the Parishes of Peterhead and Cruden; and	10th Feb. 1863.

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
UGIE—*continued.*	that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn from the Rock standing on the Left Bank of the River Ugie in Mains of Inverugie Farm to the North Side of the Farm Steading of Waterside of Balmoor on the Right Bank.	
ULLAPOOL	1st. That the Limits of the District of the River Ullapool shall be — on the North, a Line to be drawn from the South-east Point of Isle Martin to Ardmair Point, and on the South the Boundary between that Portion of the County of Cromarty and of the County of Ross; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River, from the Lower End of the Island next the Mouth of the River.	10th Feb. 1863.
URR	1st. That the Limits of the District of the River Urr shall be — on the West, Aird Point; on the East, the most projecting Point of Land South-east of Whitehill between Portling Bay and Portowarren Bay; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Rock or large Stone on the Left Bank of the River 140 Yards above the Point of Junction with the Dalbeattie Burn.	10th Feb. 1863.
WICK	1st. That the Limits of the District of the River Wick shall be — on the South, Ulbster Head, and on the North, Duncansbay Head; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be a Line drawn at Right Angles with the River, at the upper End of the old Cruives.	10th Feb. 1863.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of District and Division between Upper and Lower Proprietors.	Date from which Byelaw to take effect.
YTHAN - -	1st. That the Limits of the District of the River Ythan shall be — on the North, the Boundary between the Parishes of Peterhead and Cruden; on the South, the Northern Boundary of the Fishings of Menie; and that the District shall consist of the Portions of the Sea Coast and the Estuary, and the River, contained between the said Points. 2d. That the Point below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors, shall be the old Ford, known as Ellis Ford, on the old Road (now unused) from Peterhead to Aberdeen.	1st May 1863.

TWEED.

25 & 26 Vict. Cap. 97. and 26 & 27 Vict. Cap. 50.

We, the Commissioners appointed under the 25th and 26th Vict. Cap. 97., and empowered by the 26th and 27th Vict. Cap. 50., to extend the Limits of the Mouth or Entrance of the River Tweed Northwards from the Limits thereof, as defined in the "Tweed Fisheries Amendment Act, 1859," along the Sea Coast and into the Sea to such Points and to such Extent as we may fix, do hereby fix and determine that the Limits of the Mouth or Entrance of the said River Tweed shall extend Northwards from the Limits thereof as defined in the said "Tweed Fisheries Amendment Act, 1859," along the Sea Coast to the Boundary between the Counties of Haddington and of Berwick, and shall also extend into the Sea Five Miles in front of that Portion of the Coast hereby added to the Limits of the said River Tweed, the Distance to be measured at Right Angles with the Coast.

Given under our Hands this 10th Day of August 1863,

W. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE,
} Commissioners.

Fisheries Department, Home Office.

Approved,
Whitehall, 30th September 1863,
G. GREY.

(This Byelaw to take effect from the 6th Day of October 1863.)

SCHE-

SCHEDULE (B.)

BYELAW.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to fix "and define, for the Purposes of this [the first-recited] Act, and the other Acts relating "to Salmon and Salmon Fisheries in Scotland, the natural Limits which divide each "River in Scotland (including the Estuary thereof) from the Sea, in so far as the same "may not be already fixed by Statute or by judicial Decision," do hereby fix and define the Limits which divide the River Add, including the Estuary thereof, from the Sea, to be, on the North, the most projecting Point 400 Yards West-south-west of Duntroon Castle; on the South, a Point nearly 200 Yards West of the Mouth of the Crinan Canal.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE,
} Commissioners.

Fisheries Department, Home Office,
26th Day of April 1864.

Approved,
Whitehall, 25th August 1864,
G. GREY.

(This Byelaw to take effect from the 6th Day of September 1864.)

The same Byelaw shall apply to the several Rivers according to the Limits, and take effect from the Dates, under mentioned respectively.

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
ALINE - - -	A straight Line drawn 15 Degrees North of true West from Bolorkle Point on the East Shore to the Mainland on the West Shore.	11th Mar. 1865.
ALNESS - - -	A straight Line drawn between the East and West Sutors of Cromarty.	14th Mar. 1865.
ANNAN - - -	*See* Nith.	—
APPLECROSS - -	A straight Line drawn from Mouth of Burn on the North Shore outward, and distant 1,500 Yards from the Manse, to the outermost Pier on the South Shore, which is distant 900 Yards from the innermost Pier.	11th Mar. 1865.
ARNISDALE (in Loch Hourn)	A straight Line drawn from the West End of Dry Island on the North Side of Arnisdale River, through Skier Laven, to the Ru on the South Side of that River.	11th Mar. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Awe - - -	The Point North-west of Dunstaffnage Castle on the South, and the South-west Point of Garbhart on the North.	6th Sept. 1864.
Aylort (Kinloch) -	A straight Line drawn from the outermost Point of Aird Nish on the North Shore, through Goat Island, to the Mainland on the South.	11th Mar. 1865.
Ayr - - -	A Segment of a Circle of 400 Yards Radius, drawn from a Centre placed Halfway between the outer End of the Breakwater and the outer End of the South Pier, with Tangents to the Circle extended to meet High-water Mark of Spring Tides in the Direction of the South End of Newton Lodge on the North, and in the Direction of the Seaward End of the Lane South of the Gasworks on the South.	14th Mar. 1865.
Balgay - - -	*See* Torridon.	—
Baa and Glencoilleadar -	As regards the River Baa,—a straight Line due North and South through the outer End of Eorsa Island. As regards the River Glencoilleadar, — Ard Kilfinichen on the North, a straight Line thence in the Direction of the Free Church to the South Shore.	4th Aug. 1865.
Beauly - - -	A straight Line, drawn due South-east, true Meridian, from the Centre of the Three Burns to the Southern Shore, thus cutting the Black Buoy, as at present placed on the North End of the Whiten Ness Sands.	13th June 1865.
Badachro and Kerry (in Gairloch).	A straight Line drawn from the North-westerly Point of Stron-na-Ard on the East Shore, touching the outer End of Eilean Horrisdale, to the Mainland West.	13th June 1865.
Bladenoch Cree and Fleet	A straight Line drawn from Eggerness Point on the West, through the Centre of Barlocco Island, thence to the nearest Point of the Mainland on the East of that Island.	11th Mar. 1865.
Berriedale - -	A straight Line of about 250 Yards in Length, drawn in a Direction a little to the East of true North from the most projecting Point of Rocks above Low Water, South-east of the old Castle, to the most projecting Point of Rock at Low Water, South-east of the Northern Extremity of the small Bay into which the River discharges, and the shortest Lines connecting those Rocks with the Shore.	22d April 1864.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
BERVIE - - -	A Portion of a Circle of 150 Yards Radius, to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water at Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	22d April 1864.
BROOM and ULLAPOOL (Loch Broom).	A straight Line drawn from Ru-na-Caddal on the North to the Ru-Camas Voarach on the South.	13th June 1865.
BRORA - - -	A Portion of a Circle of 300 Yards Radius, having its Centre in Mid-channel of the River at Low Water of Spring Tides, and extended Shorewards by Tangents at Right Angles to (or to the nearest Point of) High-water Mark.	11th Mar. 1865.
CARRADALE (in Cantyre) -	From the outermost Point at Low Water of Spring Tides of the most projecting Point of Rocks on the South or Right Side of the River a straight Line drawn Westward to the nearest Point of the Shore, and another straight Line drawn in the Direction of Carradale House, both Lines extending up to High-water Mark.	26th Jan. 1866.
CARRON - - -	*See* Kishorn.	—
CLAYBURN, FINNIS-BAY, AVEN - NAN - GEREN, STRATHGRAVAT, NORTH LACASTILE, SCALLADALE, and MAWRIG (East Harris).	As regards the River CLAYBURN, a straight Line drawn between the Two outer Points across the Mouth of Bayhead; as regards FINNIS-BAY and AVEN-NAN-GEREN River, a straight Line from Cuidenish Point on the North to Ru Ardtulusish on the South; as regards STRATHGRAVAT River, a straight Line drawn from Ru Ghoecrabb on the South, through the Centre of Stockinish Island, to the opposite Shore of the Bay; as regards NORTH LACASTILE River, a straight Line from the Ru Meanach on the East to Rhu Dhu on the West; as regards SCALLADALE and MAWRIG Rivers, a straight Line drawn from the Mouth of the River forming the Boundary between Lewis and Harris at Low Water to the narrow Point of Rainigatel.	19th June 1868.
CLYDE and LEVEN and ECKAIG.	A straight Line drawn East from Toward Point Light.	7th March 1865.
CONON - - -	A straight Line drawn between the East and West Sutors of Cromarty.	7th March 1865.
CREE - - -	*See* Bladenoch.	—
CREED or STORNOWAY, and LAXAY.	As regards the River CREED or STORNOWAY, a Line drawn due East from the Lighthouse. As regards the River LAXAY, a straight Line drawn from Eilean Chalabrigh on the North to the outer End of Eilean Chalam Ghille and a straight Line thence to the South Shore.	4th Aug. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Creran (Loch Creran) -	A Line drawn from the Southernmost Point of the Mainland immediately North of Ereska Island, and continued along the outer Face of that Island to the projecting Point of the Mainland nearest to the South-west Point of the said Island.	11th Mar. 1865.
Dee (Aberdeenshire) -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Midway between the outermost Point of the North Pier and the outermost Point of the Breakwater, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark of Equinoctial Spring Tides.	7th March 1865.
Dee (Kirkcudbright) -	A straight Line drawn from Balinoe Head to the outer Point of Little Ross Island, and thence to the nearest Point on the Mainland.	22d April 1864.
Deveron - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Don - - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	22d April 1864.
Doon - - - -	A Segment of a Circle of 400 Yards Radius, drawn from a Centre placed Half Way between the nearest End of the Two Rocks on the opposite Sides of the River Mouth, and on the Line of the Seaward Side of those Rocks, both at Low Water of Equinoctial Spring Tides, with Tangents to the Circle extending to where the other Line on the 6-Inch Ordnance Map, showing the Municipal Boundary, crosses High-water Mark on the North, and extending to High-water Mark in the Direction of Alloway Corn Mill on the South, being at High-water Mark 250 Yards from the South Side of the River.	14th Mar. 1865.
Drummachloy or Glenmore (Island of Bute).	A straight Line drawn from Kildavannan Point to Island McNeil.	5th May 1868.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
DUNBEATH - - - -	On the North, the most projecting Point of Pitormie Head; on the South, the projecting Rock near the Castle, and between the Castle and the Harbour and Seaward a Semicircle drawn from a Centre placed Half Way between those Points.	11th Mar. 1865.
ECKAIG - - - -	*See* Clyde and Leven.	—
ESK (Kirkcudbright) -	*See* Nith.	—
ESK, NORTH (Forfar) -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	14th Mar. 1865.
ESK, SOUTH - - - -	A straight Line drawn from the Tower of Scurdy Ness to the outermost Point of Scurdy Stone; thence a straight Line extending due North 500 Yards; and on the North a straight Line to be drawn from the last-named Point to a Point at High-water Mark, Spring Tides, 800 Yards distant from the Low Light House, the Distance to be measured in a straight Line.	22d April 1864.
EWE - - - -	A straight Line drawn from Ru-na-Gavann on the West Shore to Ru Con on the East Shore.	11th Mar. 1865.
EUCHAR - - - -	*See* Nell and Feochan.	—
FINCASTLE, MEAVEG, BALLANACHIST, SOUTH LACASTILE, BORVE, and OBB (West Harris).	As regards the FINCASTLE River, a straight Line from Ru More to Airdthurinish; as regards the MEAVEG River, a straight Line drawn from Airdmeaveg on the West to Airdtolmochan on the East; as regards the BALLANACHIST River, a straight Line from Hellenish Point on the West to Camp Point on the East; as regards the SOUTH LACASTILE River, a straight Line from Aird Nisibost on the South to Airdgrodernish on the North; as regards the River BORVE, a straight Line from Ru Romagi on the North to Sgeir-nan-Sgarb on the South; and as regards the River OBB, a straight Line from Ru Harnan to Cormenish Point.	19th June 1868.
FINDHORN - - - -	A Line drawn due North from the outermost of the Two Shipping Piers of the Town of Findhorn as extends from High-water Mark outwards to 200 Yards below Low Water of Equinoctial Spring Tides; on the West, a Line parallel with and One and a Half Miles distant from the foregoing described Line, and also extending outwards from High-water Mark to 200 Yards below Low Water	7th March 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
FINDHORN—*cont.*	of Equinoctial Spring Tides; and on the North a Line of 200 Yards out from Low Water of Equinoctial Spring Tides, and connecting the outer Ends of the Two Lines herein-before described.	
FLEET (Sutherlandshire) -	A Portion of a Circle of 1,200 Yards Radius, having its Centre in Mid-channel of the River at the Lower Light, and continued to meet High-water Mark.	11th Mar. 1865.
FLEET (Kirkcudbright) -	*See* Bladenoch.	—
FORSS - - - -	A straight Line drawn from the most North-westerly Point of the Shore on the West Side of the River to the projecting Point midway between Brimsness and Cross Kirk on the East Side of the River.	22d April 1864.
FORTH - - - -	A straight Line drawn from the Hound Point on the South Shore to St. David's Point on the North.	14th Mar. 1865.
FYNE, SHIRA, and ARAY (Loch Fyne).	Craigan's Ferry - - - - -	11th Mar. 1865.
GIRVAN - - - -	A Portion of a Circle of 300 Yards Radius, drawn from a Centre placed Mid-channel of the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued to the Shore at High-water Mark on the respective Sides of the River by Tangents to the Circle drawn at Right Angles with the Shore.	22d April 1864.
GLENELG - - - -	A straight Line drawn from the East Side of the Rocks forming the Western Extremity of Bernera Bay on the North to the projecting Point of Land at High-water Mark immediately North of Eilean Reach or Glenbeg River, and Eilean Reach House on the South.	11th Mar. 1865.
GOUR - - - -	*See* Lochy.	—
GREISS, LAXDALE, and TONG or THUNGA.	As regards the Rivers LAXDALE and TONG or THUNGA, from the Rocks at Rudhu-na-Monach at Low-water Line on the North to Gobnan Clach at High-water Line on the South. As regards the River GRIESS, from the outer Point of Sgeir Leathain Island a straight Line drawn North to Ston Ruadh and South-west to Creag-Mhor-Bhataisgeir.	4th Aug. 1865.
GRUDIE or DIONARD -	A straight Line from Far Out Point on the East to Stoir Point on West (Admiralty Chart).	11th Mar. 1865.
GRUINARD and LITTLE GRUINARD.	A straight Line drawn from the most projecting Point between Gruinard House and Douran Rocks on the North to the projecting Point West of Mill Bay on the South.	11th Mar. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
HALLADALE - - -	A straight Line drawn due West across Melvert Bay from the most projecting Point of Salmon Rocks on East.	11th Mar. 1865.
HELMSDALE - -	A Portion of a Circle of 300 Yards Radius, having its Centre in Mid-channel of the River at Low Water of Spring Tides, and extended Shorewards on the North Side by a Tangent drawn at Right Angles to (or the nearest Point of) High-water Mark, and on the South by a Tangent drawn to meet High-water Mark at the Distance of 300 Yards West of the Point of Land occupied by a Curing Yard on the West or Left Bank of the River at High Water.	11th Mar. 1865.
HOPE and POLLA or STRATHBEG.	A straight Line from Grave Point on West, through outer End of Skeir Bhuie Island and continued East Shore (Admiralty Chart).	11th Mar. 1865.
INCHARD - - - -	A straight Line drawn from Kean Point on North to the outer Point of Land between Loch Inchard and Loch Kinsale on South.	11th Mar. 1865.
INNER (in Jura) - -	A Part of a Circle of 300 Yards Radius, having its Centre in the Middle of the principal Channel of the River at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	26th Jan. 1866.
INVER - - - - -	A straight Line drawn from Kirkaig Point on South to Rue Roe on North (Admiralty Chart).	11th Mar. 1865.
IORSA in Arran - -	A Portion of a Circle of 400 Yards Radius drawn from the Centre of the River at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	26th Jan. 1866.
IRVINE and GARNOCK -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel abreast of the Beacon, and continued to the Shore at High-water Mark on the respective Sides of the River by Tangents to the Circle drawn at Right Angles with the Shore.	11th Mar. 1865.
KENNART - - - -	A straight Line drawn from Ru Beg on the South to the Westernmost Point of Mealan Bhuie on the North.	11th Mar. 1865.
KINLOCH (Kyle of Tongue) -	A straight Line from outer Point of Pier, Scullornie Harbour, on East, to most projecting Point of Ard Skuinee on West (Burnett and Scott's County Map).	11th Mar. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
KILCHOAN or INVERIE -	A straight Line drawn from Scottis House on the North Side of the River to Creag Eilean on the South Side of the River, and a Line from thence to the nearest Point of the Mainland.	11th Mar. 1865.
KIRKAIG - - -	A straight Line drawn from Weather Lump on the North Shore, through Big Rock, to the South Shore.	11th Mar. 1865.
KISHORN and CARRON -	A straight Line drawn from the most Northernly Point of Ru-More to the Outside of Garra Island, and a Line thence along the Outside of Kishorn Island to the nearest Point to that last-mentioned Island of the Mainland to the North.	11th Mar. 1865.
KYLE of SUTHERLAND (Shin, Carron, Oykill, and Cassily).	On the North, a straight Line drawn from Dornoch Church in the Direction of Tarbet Ness Lighthouse; and on the East, a straight Line drawn due South, true Meridian, from the Village of Inver, to meet the before-mentioned Line, the Point of Meeting of the Two Lines being Three and a Quarter Statute Miles from High-water Mark at Dornoch, and a like Distance from High-water Mark at Inver.	13th June 1865.
LAGGAN and SORN (in Islay)	LAGGAN.—Part of a Circle of 400 Yards Radius, having its Centre in the Middle of the River at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides. SORN. — A straight Line from the Point of the Black Rocks on the West, to Penneycraig on the East, both Ends of the Line extending up to High-water Mark.	26th Jan. 1866.
LAXFORD - - -	From Dougal Head on the North-east, through Centre of Island Skein, to Mainland on South-west (Admiralty Chart).	11th Mar. 1865.
LEVEN - - -	*See* Lochy.	—
LITTLE LOCH BROOM -	A straight Line drawn from Camus-na-Goal Point on the South to the nearest Point of Land on the Northern Shore.	13th June 1865.
LOCHY, LEVEN, SCADDLE, GOUR, and SANDA.	A straight Line drawn due North-west, true Meridian, from the Westernmost Point of Land forming the Western Shore of Cail Bay, and lying North-east of Balnagowan Island to the Mainland on the North Shore of the Linnhe Loch.	11th Mar. 1865.
LOCH DUICH - -	*See* Loch Luing.	—
LOCH LUING and LOCH DUICH.	A straight Line drawn due South, true Meridian, from Scart Point on the North Shore to the Mainland on the South.	13th June 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Loch Roag (Lewis) -	A straight Line drawn from Aird-Lamiesheadar on the East to Sgeir-na-ha-on Chaorach on the West; also from Camus Ennaidh on the East to Eala Sheadha on the West.	4th Aug. 1865.
Luce - - -	A straight Line drawn from a Point on the Shore at High-water Mark on the East Side of the River 650 Yards South of Stair Haven Pier to a Point on the Shore at High-water Mark on the West Side of the River 1,300 Yards South-west from Ringdon Point.	6th Jan. 1865.
Lossie - - -	A straight Line to be drawn from the North Pier Head to a Point at Low Water of Equinoctial Spring Tides 200 Yards, measured in a straight Line, East of the South Pier of the Old Harbour, and thence continued by a straight Line to the nearest Point of the Shore at High-water Mark of Equinoctial Spring Tides.	11th Mar. 1865.
Lussa (Mull), and River from Loch Uisk to Loch Buy.	As regards the River Lussa, a straight Line between the most projecting Points of the Heads of the Mouth of Loch Spelve. As regards Loch Uisk River, a Line North-west and South-east through the outer Side of Mor Island.	4th Aug. 1865.
Moidart and Shiel -	A straight Line drawn from Farquhar Point on the South Shore to the South-west Point of Eilean Shona, and a straight Line drawn from North-west Point of Eilean Shona to the nearest Point of the Mainland on the North.	11th Mar. 1865.
Morar - - -	A straight Line drawn from Bonan Caraidich on the North Side of the River to the outermost Point of Fraoch Eilean on the South Admiralty Chart.	11th Mar. 1865.
Mullanageren, Horasary, and Loch-na-Ciste (North Uist).	As regards the River Mullanageren, the shortest Line from Dramanan Point and Valeque Point to Ornisay Island; as regards the River Horasary, the shortest Lines from the Point of Arnal and from the Point of Canoch to the North End of Kirkibost Island; and as regards Loch-na-Ciste River, from the Wooden Jetty near Lochmaddy Inn to the opposite Point of Camaird.	19th June 1868.
Nairn - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Naver and Borgie -	A straight Line drawn from Aird-in-iaskich on East to Claishaidic on West. (Burnett and Scott's County Map.)	11th Mar. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Ness - - -	A straight Line drawn due South-east, true Meridian, from the Centre of the Three Burns to the Southern Shore, thus cutting the Black Buoy as at present placed on the North End of the Whiten Ness Sands.	7th March 1865.
Nell, Feochan, and Euchar (Loch Feochan).	From Minard Point on the North to Eastern Extremity of Barnacaryu Bay on the South.	11th Mar. 1865.
Nith, Annan, and Esk -	A straight Line drawn from the Hotel of Skinberness in the Parish of Abbey Holme in the County of Cumberland to the Large House at Carset House of Arbigland in the Stewartry of Kirkcudbright.	7th March 1865.
Ormsary and Loch Head (Loch Killisport) and Stornoway.	From Knap Point on the North, a straight Line thence in the Direction of Kilmaluag on the South. Stornoway, the Two extreme projecting Points of Stornoway Bay, namely, about Half Way between Lergnahunseon and Point Gallon on the North, and between Lergnahunseon and Ardpatrick Point on the South.	4th Aug. 1865.
Pennygown or Glenforsa and Aros (Mull).	A straight Line from Alasaid Head on the West on the Direction of the Burying Ground to the projecting Point North-east of the Mouth of Pennygown River on the East.	4th Aug. 1865.
Ruel - - -	From Runin-a-Crotch Point on the East, Line thence due West.	11th Mar. 1865.
Resort - - -	On the North Ru Carnach (Admiralty Chart), thence to the Seaward Side of Greine Sgeir Island, and on the North-west Point of the Promontory on which the Hill or Mountain Meilein is situated.	4th Aug. 1865.
Sanda - - -	*See* Lochy.	—
Scaddle - - -	*See* Lochy.	—
Shiel (Loch Shiel) -	*See* Moidart.	—
Sligachan, Broadford, and Portree.	As regards the River Sligachan, a straight Line from Bal-na-Roinn Point at Low Water on North to Ru-an-Fhaing on the South. As regards the River Broadford, a straight Line from Mr. Mackinnon's Pier on the North to the Cottage on the Beach a little to the Eastward of the Lime Kiln and Pier on the South. As regards the River Portree, Skin Voire on the North to the Point on the South lying due South-east.	4th Aug. 1865.
Snizort - - -	As regards the River Snizort, a straight Line from Lyndale Point on the West to Aird-nan-Eirach on the East. As regards the Rivers Orley and Oze, Loch Bracadale, a straight Line from the most projecting Point between Callbost and Eabost on the East to the most projecting Point between Loch Caroy and Loch Roag on the West. As regards the River Drynoch, Loch Harport, a straight Line from the projecting Point between Struanmore and Struanbeg on the North to the projecting Point North of Dunard Kirk on the South.	4th Aug. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
Solway - - -	*See* End of Schedule.	—
Spey - - - -	A Portion of a Circle of 400 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Stinchar - - -	A Portion of a Circle of 350 Yards Radius drawn from a Centre placed Mid-Channel of the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued by Tangents to the Circle drawn at Right Angles with the Shore.	22d April 1864.
Stornoway - -	*See* Creed.	—
Strathy - - -	A straight Line drawn across Strathy Bay from Point South of Geo Ghoulan on the West to North-west Point, Balligill Head on East.	11th Mar. 1865.
Thurso - - -	A Portion of a Circle of 400 Yards Radius drawn from a Centre placed Mid-channel at the Line of Low Water of Equinoctial Spring Tides, and continued to the Shore at High Water by Tangents, that on the East being to a Point 500 Yards North-east of Thurso Castle, and that on the West being in the Direction of the Toll House.	11th Mar. 1865.
Tong or Thung - -	*See* Greiss.	—
Torridon, Balgay, and Shieldag.	A straight Line drawn across the Narrows between Loch Shieldag and Outer Loch Torridon, where Diobaig Point and Ru Ardtishlic most nearly approach each other.	11th Mar. 1865.
Ugie - - -	A Portion of a Circle of 200 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	7th March 1865.
Ullapool - - -	*See* Broom.	—

Salmon Fisheries (Scotland).

Names of Rivers.	Limits of Estuary.	Date from which Byelaw to take effect.
URR - - - -	A straight Line drawn from Balcarry Point on the West, through the Outside of Hestan Island, to the Eastern Extremity of Gutcher's Island at Low Water, and thence Inshore to High-water Mark at the projecting Point distant One Mile from Castle Hill Point.	13th June 1865.
WICK - - - -	The Line of the Breakwater now in course of Construction, and a straight Line drawn due North from the outer End of the said Breakwater to the North Shore.	11th Mar. 1865.
YTHAN - - -	A Portion of a Circle of 300 Yards Radius to be drawn from a Centre placed Mid-channel in the River where it joins the Sea at Low Water of Equinoctial Spring Tides, and continued Shorewards by Tangents to the Circle drawn to the nearest Points of the Shore of the respective Sides of the River at High-water Mark, also of Equinoctial Spring Tides.	22d April 1864.

25th and 26th Vict. Cap. 97.

We, the Commissioners appointed under the said Act, and empowered thereby "to "fix, for the Purposes of this Act, the Limits of the Solway Firth, having regard to an "Act passed in the Forty-fourth Year of the Reign of His Majesty King George the "Third, Chap. Forty-five," do hereby fix the Limit dividing the Solway Firth from the Sea to be a straight Line drawn from the Mull of Galloway in the County of Wigton to Hodbarrow Point in the Parish of Millam in the County of Cumberland.

Given under our Hands this 22d Day of January 1864.

WM. J. FFENNELL,
JAMES LESLIE, } Commissioners.

Fisheries Department, Home Office.

Approved,
Whitehall, 9th April 1864.
G. GREY.

SCHEDULE (C.)

Byelaw.

25th and 26th Vict. Cap. 97.,
26th and 27th Vict. Cap. 50., and
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to "determine, subject to the Provisions of this [the first-recited] Act, at what Dates the "Annual Close Time for every District shall commence and terminate, and at what "Periods subsequent to the Commencement and prior to the Termination of the Annual "Close Time it shall be lawful to fish for and take Salmon with the Rod and Line," do hereby determine that the Annual Close Time for the District of the River Add shall commence on the 1st Day of September and terminate on the 15th Day of February, both Days inclusive, and that it shall be lawful to fish for and to take Salmon with the Rod and Line from the 1st Day of September to the 31st Day of October, both Days inclusive.

Wm. J. Ffennell,
Fred. Eden,
James Leslie,
} Commissioners.

Fisheries Department, Home Office,
11th Day of January 1864.

Approved,
Whitehall, 19th Day of April 1864,
G. Grey.

(This Byelaw to take effect from the 20th Day of May 1864.)

The same Byelaw shall apply to the several Rivers, according to the Times, and take effect from the Dates, under mentioned respectively.

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Aline - - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Alness - - -	From 27th August to 10th February.	From 27th August to 31st October.	14th March 1865.
Annan - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Applecross - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Arnisdale (in Loch Hourn).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Awe - - - -	From 27th August to 10th February.	From 27th August to 31st October.	11th Oct. 1864.

Salmon Fisheries (Scotland).

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Aylort (Kinloch) -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Ayr - - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Baa and Glencoil-leadar.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Badachro and Kerry (in Gairloch).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Balgay and Shieldag	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Beauly - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
Berriedale - -	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
Bervie - -	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
Bladenoch - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Broom - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Brora - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Carradale (in Cantyre).	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Carron - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Clayburn, Finnis-Bay, Aven-nan-geren, Strathgravat, North Lacastile, Scalladale, and Mawrig (East Harris).	From 10th September to 24th February.	From 10th September to 31st October.	19th June 1868.
Clyde and Leven -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Conon - -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Cree - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Creed or Stornoway, and Laxay (Lewis).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Creran (Loch Creran).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Crowe and Shiel (Loch Duich).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Dee (Aberdeenshire)	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Dee (Kirkcudbright)	From 27th August to 10th February.	From 27th August to 31st October.	19th April 1864.
Deveron - -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Don - - -	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
Doon - -	From 27th August to 10th February.	From 27th August to 31st October.	14th March 1865.
Drummachloy or Glenmore (Isle of Bute).	From 1st September to 15th February.	From 1st September to 15th October.	5th May 1868.
Dunbeath - -	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
Eckaig - -	From 1st September to 15th February.	From 1st September to 31st October.	20th May 1864.
Esk, North - -	From 1st September to 15th February.	From 1st September to 31st October.	14th March 1865.
Esk, South - -	From 1st September to 15th February.	From 1st September to 31st October.	1st March 1864.
Ewe - - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Fincastle, Meaveg, Ballanachist, South Lacastile, Borve, and Obb (West Harris).	From 10th September to 24th February.	From 10th September to 31st October.	19th June 1868.
Findhorn - -	From 27th August to 10th February.	From 27th August to 10th October.	7th March 1865.
Fleet (Sutherlandshire).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Fleet (Kirkcudbright).	From 10th September to 24th February.	From 10th September to 31st October.	20th May 1864.
Forss - -	From 27th August to 10th February.	From 27th August to 31st October.	29th Jan. 1864.
Forth - -	From 27th August to 10th February.	From 27th August to 15th October.	14th March 1865.
Fyne, Shira, and Aray (Loch Fyne).	From 1st September to 15th February.	From 1st September to 31st October.	11th March 1865.
Girvan - -	From 10th September to 24th February.	From 10th September to 31st October.	29th Jan. 1864.
Glenelg - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Gour - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Greiss, Laxdale, or Thunga.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Grudie or Dionard	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Gruinard and Little Gruinard.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Halladale -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Helmsdale - -	From 27th August to 10th February	From 27th August to 31st October.	11th March 1865.
Hope and Polla, or Strathbeg.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Inchard - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Inner in Jura -	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Inver - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Iorsa (in Arran) -	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Irvine and Garnock	From 10th September to 24th February.	From 10th September to 31st October.	11th March 1865.
Kennart - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kilchoan or Inverie (Loch Nevis).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kinloch (Kyle of Tongue).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kirkaig - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kishorn - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Kyle of Sutherland	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
Laggan and Sorn (in Islay).	From 10th September to 24th February.	From 10th September to 31st October.	26th Jan. 1866.
Laxford - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
Leven - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Little Loch Broom	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Lochy -	From 27th August to 10th February.	From 27th August to 31st October.	15th Nov. 1864.
Loch Duich - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Loch Luing - -	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
Loch Roag - -	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Lossie - -	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
Luce - -	From 10th September to 24th February.	From 10th September to 31st October.	7th March 1865.
Lussa (Mull) -	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Moidart - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Morar - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Mullanageren, Horasary, and Loch-na-Ciste (North Uist).	From 10th September to 24th February.	From 10th September to 31st October.	19th June 1868.
Nairn - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
Naver and Borgie -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Nell, Feochan, and Euchar (Loch Feochan).	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
Ness - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
Nith - -	From 27th August to 10th February.	From 27th August to 31st October.	7th March 1865.
Ormsary (Loch Killisport), Loch Head, and Stornoway (Mull).	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Pennygown or Glenforsa, and Aros.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
Resort - -	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Annual Close Time.	Extension of Time for Rod-fishing.	Date from which Byelaw to take effect.
RUEL - -	From 1st September to 15th February.	From 1st September to 31st October.	11th March 1865.
SANDA - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
SCADDLE - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
SHIEL (Loch Shiel) -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
SLIGACHAN, BROADFORD, and PORTREE.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
SNIZORT, ORLEY, OZE, and DRYNOCH.	From 27th August to 10th February.	From 27th August to 31st October.	4th Aug. 1865.
SPEY - -	From 27th August to 10th February.	From 27th August to 15th October.	7th March 1865.
STINCHAR - -	From 10th September to 24th February.	From 10th September to 31st October.	29th January 1864.
STORNOWAY -	*See* CREED.	——	—
STRATHY - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
TAY - -	From 21st August to 4th February.	From 21st August to 10th October.	28th July 1865.
THURSO - -	From 27th August to 10th February.	From 27th August to 15th October.	11th March 1865.
TORRIDON, BALGAY, and SHIELDAG.	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
UGIE - -	From 10th September to 24th February.	From 10th September to 31st October.	7th March 1865.
ULLAPOOL (Loch Broom).	From 27th August to 10th February.	From 27th August to 31st October.	13th June 1865.
URE - -	From 10th September to 24th February.	From 10th September to 31st October.	29th January 1864.
WICK - -	From 27th August to 10th February.	From 27th August to 31st October.	11th March 1865.
YTHAN - -	From 10th September to 24th February.	From 10th September to 31st October.	29th January 1864.

SCHE-

SCHEDULE (D.)

Byelaw.

25th and 26th Vict. Cap. 97.,
26th and 27th Vict. Cap. 50., and
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to "make General Regulations with respect to the due Observance of the Weekly Close "Time," do hereby make the following Regulations with respect to the due Observance of the Weekly Close Time in the said District; namely,

1. That in each and every Stake Weir or Stake Net a clear Opening of at least Four Feet in Width from Top to Bottom shall be made and kept free from Obstruction in each and every Pouch, Trap, or Chamber of same.
2. That the Pouches, Traps, or Chambers of each and every Fly Net shall be either raised and tied up to the upper Ropes of same, or lowered and tied to the lower Ropes, so as effectually to prevent the Capture or Obstruction of Salmon.
3. That the Netting of the Leader of each and every Bag Net shall be entirely removed, and taken out of the Water.

Wm. J. Ffennell,
Fred. Eden,
James Leslie,
} Commissioners.

Fisheries Department, Home Office,
11th Day of January 1864.

Approved,
Whitehall, 19th April 1864.
G. Grey.

(This Byelaw to take effect from 20th Day of May 1864.)

The same Byelaw shall apply to the Rivers and take effect from the Dates under mentioned respectively.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
Aline - - -	11th March 1865.	Aylort (Kinloch) -	11th March 1865.
Alness - -	14th March 1865.	Ayr - - -	13th June 1865.
Annan - - -	13th June 1865.	Baa and Glencoilleadar	4th August 1865.
Applecross - -	11th March 1865.	Badachro and Kerry (in Gairloch).	13th June 1865.
Arnisdale (in Loch Hourn)	11th March 1865.	Balgay and Shieldag -	11th March 1865.
Awe - - -	20th May 1864.		

Salmon Fisheries (Scotland).

Names of Rivers.	Date from which Byelaw to take effect.
Beauly - - -	7th March 1865.
Berriedale - -	29th April 1864.
Bervie - - -	29th April 1864.
Bladenoch - -	11th March 1865.
Broom - -	13th June 1865.
Brora - - -	11th March 1865.
Carradale (in Cantyre) -	26th Jan. 1866.
Carron - -	11th March 1865.
Clayburn, Finnis - Bay, Aven - nan - geren, Strathgravat, North Lacastile, Scalladale, and Mawrig (East Harris).	19th June 1868.
Clyde and Leven -	7th March 1865.
Conon - -	7th March 1865.
Cree - - -	11th March 1865.
Creed or Stornoway and Laxay.	4th August 1865.
Creran - - -	11th March 1865.
Crowe and Shiel (Loch Duich).	13th June 1865.
Dee (Aberdeenshire) -	7th March 1865.
Dee (Kirkcudbright) -	29th April 1864.
Deveron - - -	7th March 1865.
Don - - -	29th April 1864.
Doon - - -	14th March 1865.
Drummachloy or Glenmore (Island of Bute).	5th May 1868.
Drynoch (in Loch Harport)	4th August 1865.
Dunbeath - -	11th March 1865.
Eckaig - -	20th May 1864.
Esk, North - -	14th March 1865.
Esk, South - -	29th April 1864.
Ewe - - -	11th March 1865.
Fincastle, Meaveg, Ballanachist, South Lacastile, Borve, and Obb (West Harris).	19th June 1868.
Findhorn - -	7th March 1865.
Fleet (Sutherlandshire) -	11th March 1865.
Fleet (Kirkcudbright) -	29th April 1864.
Forss - - -	29th April 1864.
Forth - - -	14th March 1865.
Fyne, Shira, and Aray (Loch Fyne).	11th March 1865.
Girvan - -	29th April 1864.
Glenelg - -	11th March 1865.
Gour - - -	11th March 1865.
Greiss (Laxdale and Tong or Thunga).	4th August 1865.
Gruidie or Dionard -	11th March 1865.
Gruinard and Little Gruinard.	11th March 1865.
Halladale - -	11th March 1865.
Helmsdale - -	11th March 1865.
Hope and Polla, or Strathbeg.	11th March 1865.
Inchard - -	11th March 1865.
Inner in Jura - -	26th Jan. 1866.
Inver - -	11th March 1865.
Iorsa in Arran - -	26th Jan. 1866.
Irvine and Garnock -	11th March 1865.
Kennart - -	11th March 1865.
Kilchoan or Inverie (Loch Nevis).	11th March 1865.
Kinloch (Kyle of Tongue)	11th March 1865.
Kirkaig - -	11th March 1865.
Kishorn - - -	11th March 1865.
Kyle of Sutherland -	7th March 1865.
Laggan and Sorn (in Islay)	26th Jan. 1866.

Salmon Fisheries (Scotland).

Names of Rivers.	Date from which Byelaw to take effect.
Laxford - - -	11th March 1865.
Leven - - -	11th March 1865.
Little Loch Broom -	13th June 1865.
Lochy - - -	4th August 1865.
Loch Duich - -	13th June 1865.
Loch Luing - - -	13th June 1865.
Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail.	4th August 1865.
Lossie - - -	11th March 1865.
Luce - - -	7th March 1865.
Lussa (Mull) and River, Loch Uisk to Loch Buy.	4th August 1865.
Moidart - - -	11th March 1865.
Morar - -	11th March 1865.
Mullanageren, Horasary, and Loch-na-Ciste (North Uist).	19th June 1868.
Nairn - - -	7th March 1865.
Naver and Borgie -	11th March 1865.
Nell, Feochan, and Euchar (Loch Feochan).	11th March 1865.
Ness - - -	7th March 1865.
Nith - - -	7th March 1865.
Ormsary (Loch Killisport), Loch Head River, and Stornoway (Mull).	4th August 1865.
Pennygown or Glenforsa, and Aros.	4th August 1865.
Resort - -	4th August 1865.
Ruel - - -	11th March 1865.
Sanda - - -	11th March 1865.
Scaddle - - -	11th March 1865.
Shiel (Loch Shiel) -	11th March 1865.
Sligachan, Broadford, and Portree.	4th August 1865.
Snizort, Orley, Oze (Loch Bracadale), and Drynoch (Loch Harport).	4th August 1865.
Spey - - -	7th March 1865.
Stinchar - -	29th April 1864.
Strathy - -	11th March 1865.
Tay - - -	29th April 1864.
Thurso - -	11th March 1865.
Torridon, Balgay, and Shieldag.	11th March 1865.
Ugie - -	7th March 1865.
Ullapool - -	13th June 1865.
Urr - - -	29th April 1864.
Wick - - -	11th March 1865.
Ythan - -	29th April 1864.

SCHEDULE (E.)

BYELAW.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

District of the River ADD.

We, the Commissioners appointed under the said Acts, and empowered thereby "to "make General Regulations with respect to the Meshes of Nets," to be used for the Capture of Salmon, do hereby make the following Regulations with respect to the Meshes of Nets for the District of the River ADD :—

That no Net shall be used for the Capture of Salmon the Meshes whereof shall be under One Inch and Three Quarters in Extension from Knot to Knot, measured on each Side of the Square, or Seven Inches measured round each Mesh when wet; and the placing Two or more Nets behind or near to each other in such Manner as to practically diminish the Mesh of the Nets used, or the covering the Nets used with Canvas, or the using any other Artifice so as to evade the Provisions of the Regulations with respect to the Meshes of Nets, shall be deemed to be an Act in contravention of this Byelaw.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE. } Commissioners.

Fisheries Department, Home Office,
11th Day of January 1864.

Approved,
G. GREY.
Whitehall, 19th April 1864.

(This Byelaw to take effect from the 20th Day of May 1864.)

The same Byelaw shall apply to the Rivers and take effect from the Dates under mentioned respectively.

Names of Rivers.	Date from which Byelaw to take effect.	Names of Rivers.	Date from which Byelaw to take effect.
ALINE - - -	11th March 1865.	AYR - - -	13th June 1865.
ALNESS - - -	14th March 1865.	BAA and GLENCOILLEADAR	4th August 1865.
ANNAN - - -	13th June 1865.	BADACHRO and KERRY (in Gairloch).	13th June 1865.
APPLECROSS - -	11th March 1865.		
ARNISDALE (in Loch Hourn)	11th March 1865.	BALGAY and SHIELDAG -	11th March 1865.
AWE - - -	20th May 1864.	BEAULY - - -	7th March 1865.
AYLORT (Kinloch) -	11th March 1865.	BERRIEDALE - -	10th May 1864.

Salmon Fisheries (Scotland).

Names of Rivers.	Date from which Byelaw to take effect.
Bervie - - -	10th May 1864.
Bladenoch - -	11th March 1865.
Broom - - -	13th June 1865.
Brora - - -	11th March 1865.
Carradale (in Cantyre) -	26th Jan. 1866.
Carron - - -	11th March 1865.
Clayburn, Finnis-Bay, Aven-nan-geren, Strathgravat, North Lacastile, Scalladale, and Mawrig (East Harris).	19th June 1868.
Clyde and Leven -	7th March 1865.
Conon - - -	7th March 1865.
Cree - - -	11th March 1865.
Creed or Stornoway and Laxay.	4th August 1865.
Creran - - -	11th March 1865.
Crowe and Shiel (Loch Duich).	13th June 1865.
Dee (Aberdeenshire) -	7th March 1865.
Dee (Kirkcudbright) -	10th May 1864.
Deveron - - -	7th March 1865.
Don - - -	10th May 1864.
Doon - - -	14th March 1865.
Drummachloy or Glenmore (Isle of Bute).	5th May 1868.
Drynoch (in Loch Harport)	4th August 1865.
Dunbeath - - -	11th March 1865.
Eckaig - - -	20th May 1864.
Esk, North - -	14th March 1865.
Esk, South - -	10th May 1864.
Ewe - - -	11th March 1865.
Fincastle, Meaveg, Ballanachist, South Lacastile, Borve, and Obb (West Harris).	19th June 1868.
Findhorn - -	7th March 1865.
Fleet (Sutherlandshire) -	11th March 1865.
Fleet (Kirkcudbright) -	10th May 1864.
Forss - - -	10th May 1864.
Forth - - -	14th March 1865.
Fyne, Shira, and Aray (Loch Fyne).	11th March 1865.
Girvan - - -	10th May 1864.
Glenelg - -	11th March 1865.
Gour - - -	11th March 1865.
Greiss (Laxdale, and Tong or Thunga).	4th August 1865.
Gruidie or Dionard -	11th March 1865.
Gruinard and Little Gruinard.	11th March 1865.
Halladale - -	11th March 1865.
Helmsdale - -	11th March 1865.
Hope and Polla, or Strathbeg.	11th March 1865.
Inchard - - -	11th March 1865.
Inner in Jura - -	26th Jan. 1866.
Inver - - -	11th March 1865.
Iorsa in Arran - -	26th Jan. 1866.
Irvine and Garnock -	11th March 1865.
Kennart - - -	11th March 1865.
Kilchoan or Inverie (Loch Nevis).	11th March 1865.
Kinloch (Kyle of Tongue)	11th March 1865.
Kirkaig - - -	11th March 1865.
Kishorn - - -	11th March 1865.
Kyle of Sutherland -	7th March 1865.
Laggan and Sorn (in Islay)	26th Jan. 1866.
Laxford - - -	11th March 1865.
Leven - - -	11th March 1865.

Salmon Fisheries (Scotland).

Names of Rivers.	Date from which Byelaw to take effect.
Little Loch Broom -	13th June 1865.
Lochy - - -	4th August 1865.
Loch Duich - -	13th June 1865.
Loch Luing - -	13th June 1865.
Loch Roag (Lewis), Rivers Blackwater, Grimersta, and Morsgail.	4th August 1865.
Lossie - - -	11th March 1865.
Luce - - -	7th March 1865.
Lussa (Mull) and River, Loch Uisk to Loch Buy.	4th August 1865.
Moidart - -	11th March 1865.
Morar - - -	11th March 1865.
Mullangeren, Horasary, and Loch-na-Ciste (North Uist).	19th June 1868.
Nairn - - -	7th March 1865.
Naver and Borgie -	11th March 1865.
Nell, Feochan, and Euchar (Loch Feochan).	11th March 1865.
Ness - - -	7th March 1865.
Nith - - -	7th March 1865.
Ormsary (Loch Killisport), Loch Head River and Stornoway (Mull).	4th August 1865.
Pennygown or Glenforsa, and Aros.	4th August 1865.
Resort - - -	4th August 1865.
Ruel - - -	11th March 1865.
Sanda - - -	11th March 1865.
Scaddle - - -	11th March 1865.
Shiel (Loch Shiel) -	11th March 1865.
Sligachan, Broadford, and Portree.	4th August 1865.
Snizort, Orley Oje (Loch Bracadale), and Drynoch (Loch Harport).	4th August 1865.
Spey - - -	7th March 1865.
Stinchar - - -	10th May 1864.
Strathy - - -	11th March 1865.
Tay - - -	10th May 1864.
Thurso - - -	11th March 1865.
Torridon, Balgay, and Shieldag.	11th March 1865.
Ugie - - -	7th March 1865.
Ullapool - - -	13th June 1865.
Urr - - -	10th May 1864.
Wick - - -	11th March 1865.
Ythan - - -	10th May 1864.

SCHE-

SCHEDULE (F.)

BYELAW.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to "make General Regulations with respect to the Construction and Use of Cruives," do hereby make the following General Regulations with respect to the Construction and Use of Cruives :—

I. The upper Surface of the Sill of each Cruive shall be not higher than Twelve Inches above the natural Bed of the River where the Cruive is placed, and in the event of the Sill being placed any higher than the natural Bed of the River there must be a paved Floor or Apron to it down Stream at least as wide as the Cruive, having its lower End not higher than the natural Level of the River, and having a Slope not steeper than One in Six; and otherwise the Cruives shall be so constructed as to afford a ready and easy Passage for the Fish during the Annual and Weekly Close Times.

II. No Cruive shall be less at any Part of it than Four Feet broad in the Clear; provided that where an upright Post is used to support the Cruive, thereby dividing the Width into Two Parts, the aggregate Width exclusive of such Post shall not be less than Four Feet.

III. The Hecks or Rails and Inscales shall be capable of being removed from the Cruive, and shall be removed during the Annual Close Time. During the Weekly Close Time the Hecks or Rails shall be removed, and the Inscales shall either be removed or kept open for the Space of Four Feet.

IV. The Bars of the upper Hecks or Rails shall be placed perpendicularly, not less than Three Inches apart, and they shall not be more than Two Inches thick, and not more than Four Inches broad in the up and down Way of the Stream, and they shall have their Edges rounded off, so that only $1\frac{1}{2}$ Inches in Breadth of the whole Thickness of Two Inches shall remain in the Side of the Hecks or Rails in the up and down Way of the Stream.

V. The Bars of the Inscales shall not be of larger Dimensions than those of the Hecks or Rails, and they shall not be less than Two Inches apart.

VI. Each Side or Half of the Inscales shall not be less than Three Feet long for a Cruive Four Feet wide in the Clear, and shall be longer in the same Proportion to any additional Width of Cruive. They shall be constructed so that the Up Stream Ends cannot and shall not at any Time approach nearer to each other than Five Inches.

VII. No Net or other Contrivance whatever shall be placed or used on or at any Cruive, or Structure connected with a Cruive, for the Purpose of catching Fish, or for preventing their Entry into or passing through the same; nor shall any Device be employed to scare, deter, or obstruct Fish from entering into or passing

through any such Cruive. But, notwithstanding anything herein contained, it shall be lawful to place a Canvas Cloth or a Wooden Blind or Blinds over the Heck or Hecks of a Cruive whilst the Fish are being taken out of it, provided such Cloth, Blind or Blinds, be not applied longer than Fifteen Minutes at a Time, or oftener than Six Times in the Course of Twenty-four Hours, and that when there are more Cruives than One at the same Dam only One Cruive shall be covered by the Cloth or Blinds at the same Time.

VIII. No Cruive shall be so constructed, inclosed, roofed, or built over, or in any other Manner hidden or fenced in, as to prevent Persons duly authorized from inspecting the same at all Times, and ascertaining whether the Law is being duly complied with.

IX. No Cruive shall be so altered as to create a greater Obstruction to the free Passage of Fish than at present exists.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE,
} Commissioners.

Fisheries Department, Home Office,
18th Day of April 1865.

Approved,
G. GREY.

Whitehall, 19th July 1865.

(This Byelaw to take effect from the 28th July 1865.)

SCHEDULE (G.)

BYELAW.

25th and 26th Vict. Cap. 97.
26th and 27th Vict. Cap. 50.
27th and 28th Vict. Cap. 118.

"Acts to regulate and amend the Law respecting the Salmon Fisheries of Scotland."

We, the Commissioners appointed under the said Acts, and empowered thereby "to make "General Regulations with respect to the Construction and Alteration of Mill Dams or "Lades, or Water Wheels, so as to afford a reasonable Means for the Passage of Salmon," do hereby make the following General Regulations with respect to the Construction and Use of Mill Dams or Lades, or Water Wheels:—

1. Every new Dam, and every Portion of any Dam that may require to be renewed or repaired after this Time, shall be made and maintained Water-tight, or as nearly so as possible, so that no Water that can reasonably be prevented shall run through the Dam; but all Water not taken into the Lade for the Use of the Mills or other lawful Purpose shall be made to flow over the Dam as fully as may be practicable.

2. There shall be a Sluice or Sluices at the Intake of every Mill Lade. No Water shall, with the Exception herein-after stated, be allowed to enter any Mill Lade beyond the Quantity required for the Use of the Water Wheel or Wheels of any One

One Fall on that Lade, or for other lawful Purpose in the Lade; that is to say, no Water shall be allowed to escape from any Lade into the River by means of any Bye-wash or Overflow, but all Water not required for the Uses aforesaid shall be made to flow over the Dam into the River as far as may be practicable.

At the Option of the Millers or Manufacturers, this Provision may be carried out either by shutting the Sluice or Sluices at the Intake of the Lade, or by raising the Banks of the Lade to a Height that will prevent an Overflow of Water from the Lade when the Sluice at the Wheel and the Bye-wash Sluice herein-after mentioned are both kept shut. Provided always, that the said Byelaw shall not apply to Millers or Manufacturers when taking Measures necessary for the Protection of their Premises during heavy Floods, or when Rivers are cumbered with Ice, or while necessary Repairs are being executed on any Emergency; provided that nothing be omitted or done unnecessarily to defeat the Objects of this Byelaw. Furthermore, in all Cases when the Intake Sluice is more than 300 Yards from the Water Wheel, it shall not be imperative to shut the Intake Sluice, or to keep the Bye-wash Sluice shut, during ordinary Meal Hours, or during any Stoppage of the Wheel not exceeding an Hour at a Time.

3. At the Intake of every Lade there shall be placed and constantly kept a Heck or Grating for each Opening, or one embracing the whole Openings, the Bars to be not more than Three Inches apart, if horizontal, and not more than Two Inches if vertical.

4. A similar Heck or Grating shall be placed and constantly kept across the Lade or Troughs immediately above the Entrance to each Mill Wheel.

5. A similar Heck or Grating shall be placed and constantly kept across the lower End of each Tail Lade at its Entrance into the Main River.

NOTE.—To prevent any Obstruction to the Flow of the Water by the Hecks or Gratings in the Lades, it is recommended that the Lade should be increased in Width where the Hecks are placed, and that the Heck, instead of being in a straight Line across, should be curved or pointed up or down Stream, and thereby increased in Length, so that the aggregate of the Openings between the Bars shall exceed the Sectional Area (or Waterway) of the Lade, and thus compensate for the Space occupied by the Bars.

6. There shall be a Bye-wash Sluice placed as near as practicable above each Water Wheel in the Embankment of the Lade of not less than Three Feet in Width, with its Sill as low as the Bottom of the Lade, and the said Sluice shall be raised to a Height sufficient to allow the Smolts to descend for at least Five but not exceeding Eight Hours each Week from the 15th March to the 1st July, not more than Six Days intervening between each Time of Opening.

There shall be a Salmon Pass or Ladder on the Down Stream Face of every Dam, Weir, or Cauld, capable of affording a free Passage for the ascending Fish at all Times when there is Water enough in the River to supply the Ladder. The Width shall not be less than Four Feet in the Clear in Rivers of less than 100 Feet in Breadth at the Site of the Dam, nor less than Five Feet in Breadth in Rivers of less than 200 Feet and more than 100 Feet in Breadth as aforesaid, nor less than Six Feet in Breadth in Rivers of more than 200 Feet in Breadth as aforesaid; the Upper Sill shall be not less than Six Inches below the lowest Part of the Crest of the Dam for the whole Width of the Ladder; the Inclination shall in no Case be steeper than Five horizontal to One perpendicular, but, wherever practicable, shall be

be Seven or Eight horizontal to One perpendicular, and in all Cases shall be provided with Breaks or Stops placed at suitable Intervals, so as to lessen the Velocity of the Current sufficiently to allow the Fish to ascend without Difficulty.

The Foot of the Ladder shall be placed where there is most running Water, and with the best Lead for the Fish to approach it; and if the Ladder should project beyond the Toe of the Dam, there shall be an Apron of Stone formed to the Dam, extending as far down the River as the Entrance to the Pass or Ladder, and extending throughout the whole Length of the Dam at either Side of the Ladder, and on a high enough Level to prevent there being any Pool in the River, or sufficient Depth of Water farther up than the Entrance to the said Pass or Ladder, by which the Fish might be induced to remain there obstructed in their Ascent, and not be led to the Ladder.

NOTE.—The Commissioners would recommend the following Details to be adopted in the Construction of Salmon Ladders, in addition to those given in the foregoing Byelaw, but do not insist on them, provided some other perfectly efficient Arrangement be substituted,—viz., the Side Walls to be not less than Twenty-two Inches in Height; the Breaks to be not less than Eighteen Inches in Height, with Openings of Ten Inches in Breadth at the alternate Ends of each Break, and Five Feet apart in Cases where the Gradient of the Ladder is One in Five and of a greater Distance, but the same Proportions being maintained where the Gradient is easier than One in Five.

7. No Dam shall be so altered as to create a greater Obstruction to the free Passage of Fish than at present exists.

WM. J. FFENNELL,
FRED. EDEN,
JAMES LESLIE,
} Commissioners.

Fisheries Department, Home Office,
29th Day of April 1865.

Approved,
G. GREY.

Whitehall, 19th July 1865.

(This Byelaw to take effect from the 28th July 1865.)

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP CXXIV.

An Act to amend the Laws relating to the Inland Revenue. [31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalties under Inland Revenue Acts to belong to Her Majesty.

1. All Fines, Penalties, and Forfeitures incurred under any Act relating to the Inland Revenue, and recovered after the First Day of *October* One thousand eight hundred and sixty-eight, shall go and be applied to the Use of Her Majesty, Her Heirs or Successors, anything in any Act to the contrary notwithstanding; and all such Fines and Penalties, and all such Forfeitures or the Proceeds thereof, and all Costs, Charges, and Expenses payable in respect thereof or in relation thereto respectively, shall, without any Deduction therefrom, be paid to the Commissioners of Inland Revenue, or to such Officer or Person as the said Commissioners shall appoint to receive the same.

Expenses of Prosecutions to be paid out of Supplies provided by Parliament.

2. All Costs, Charges, and Expenses attending Proceedings for Recovery of Penalties and Forfeitures incurred under any Act relating to the Inland Revenue, and all Sums of Money allowed as

as Rewards, shall be deemed to be Charges of Collection and Management, and shall be paid by the Commissioners of Inland Revenue out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

Condition in Distillers Bond, specifying Time for using Duty-free Sugar, &c., may be dispensed with or altered.

3. In any Case in which a Bond is to be given by a Distiller under the Provisions of the Fifty-fourth Section of the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fourteen, it shall be lawful for the Commissioners of Inland Revenue, or the Commissioners of Customs, in their Discretion, to dispense with the Stipulation required to be inserted in the Condition of the Bond specifying the Time within which Sugar and Molasses shall be used and consumed in the distilling of Spirits, or to cause to be inserted in the Condition of the Bond, in lieu of the required Stipulation, such Stipulation allowing further Time for the Use and Consumption of Sugar and Molasses as aforesaid as to the said Commissioners respectively shall seem fit; and in the event of the said Commissioners dispensing with the required Stipulation, or causing to be inserted any other Stipulation as aforesaid, the Distiller entering into the Bond shall be chargeable with and shall pay the full Duties of Customs or Excise, as the Case may be, upon any Deficiency in the Quantity of Sugar, Molasses, or Treacle that may be found at any Time in his Storehouse or Room, as in Section Sixty of the said Act is mentioned, in addition to the Penalty of Twenty Pounds imposed by such Section; and for the more convenient Recovery of the said Duties they shall be deemed to be Duties of Excise, and recoverable as any other Excise Duties.

In such Cases Duty to be paid on Deficiency in Quantity of Sugar, &c. in Stock.

Methylated Spirit may be sold by the Maker in Vessels of Five Gallons Content.

4. Whereas it is provided by the Eighth Section of the Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Thirty-eight, that no Methylated Spirit shall be sold, sent out, or delivered under the Provisions of the said Act otherwise than in Vessels containing not less than Ten Gallons; and it is expedient to allow such Spirit to be sent out in less Quantity: Be it enacted, that the Penalty imposed by the said Section shall not be incurred by any Person who shall sell, send out, or deliver any Methylated Spirit in Vessels containing not less than Five Gallons of such Spirit, and shall in so doing have complied with all the Provisions of the said Act which are consistent with this Act, and with the Orders and Regulations of the Commissioners of Inland Revenue in that Behalf.

Retailer of Methylated Spirit may

5. Whereas it is provided by the Third Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign,

Reign, Chapter Ninety-one, that no Person licensed under that Act for the Sale of Methylated Spirit shall receive into his Stock, Custody, or Possession any such Spirit otherwise than from a Distiller or Rectifier of Spirits, or licensed Person specially authorized to make Methylated Spirit under the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and it is expedient to allow the Receipt of such Spirit as hereinafter mentioned: Be it enacted, that the Penalty imposed by the said Section shall not be incurred by any Person licensed to sell Methylated Spirit as aforesaid by reason of his receiving from any other Person so licensed any Methylated Spirit in a Quantity not exceeding One Gallon at any One Time.

receive such Spirit from another Retailer in a Quantity not exceeding a Gallon at One Time.

6. Whereas under the Seventeenth and Eighteenth Sections of the Act of the First and Second Years of the Reign of King *William* the Fourth, Chapter Fifty-five, Power is given to any Officer of Excise to seize in *Ireland*, as therein provided, any Spirits, Low Wines, Wort, Wash, and other Materials preparing or prepared for Distillation, and Doubts have arisen whether, under the Provisions in the said Sections contained, Spirits completely distilled can be lawfully seized: Be it declared, that the Word Spirits, wherever such Word is used in the said Sections respectively, shall be taken to include all Spirits whatsoever, whether completely distilled or otherwise.

Defining the Meaning of the Word "Spirits" in Sects. 17 and 18 of 1 & 2 W. 4. c. 55.

7. From and after the First Day of *September* One thousand eight hundred and sixty-eight, where any Leasehold Estates form Part of the Estate and Effects of a deceased Person for or in respect of which Probate or Letters of Administration is or are to be granted in *England* or *Ireland*, and such Leasehold Estates are the sole Security by way of Mortgage for any Debts due and owing from the Deceased, the Amount of such Mortgage Debts may be deducted from the Value of the said Leasehold Estates, and the Stamp Duty shall be chargeable on the Value of the Estate and Effects for or in respect of which the Probate or Letters of Administration shall be granted, after deducting therefrom the Amount of such Mortgage Debts.

Mortgage Debts on Leaseholds may be deducted from the Value thereof before Probate, &c.

8. In any Case in which any such Deduction as is authorized by the last preceding Section is made, the Affidavit to be required and received from the Person applying for Probate of the Will or Letters of Administration of an Estate and Effects of a deceased Person under the Provisions of the Thirty-eighth Section of the Act of the Fifty-fifth Year of King *George* the Third, Chapter One hundred and eighty-four, or under the Provisions of the One hundred

Affidavit of Value for Probate, &c. in England or Ireland to be in the Form in the Schedule.

hundred and seventeenth Section of the Act of the Fifty-sixth Year of King *George* the Third, Chapter Fifty-six, shall be in the Form contained in the Schedule to this Act; and every such Affidavit, with the Account thereto annexed, if any, shall be transmitted in original to the Commissioners of Inland Revenue in like Manner as is directed by the Ninety-third Section of the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Seventy-seven, and by the One hundredth Section of the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Seventy-nine, with reference to the original Affidavit in such Sections respectively mentioned.

Arrears of Legacy Duty or Succession Duty to be paid with Interest.

9. Whereas it is expedient to make express Provision as to the Payment of Interest on Arrears of Legacy Duty and Succession Duty: Be it enacted, that in any Case in which Duty payable in respect of any Legacy or Residue under the Legacy Duty Acts now in force, or in respect of any Succession under the Succession Duty Act, 1853, is or shall be in arrear, the Person by whom the Arrears of Duty may be payable shall be liable to pay Interest thereon at the Rate of Four Pounds *per Centum per Annum;* and such Interest shall be recoverable by the Commissioners of Inland Revenue in the same Manner as the Arrears of Duty, and as Part thereof: Provided always, that the Acceptance or Recovery by the said Commissioners of Arrears of Duty, with Interest thereon as aforesaid, shall be an absolute Waiver of the Penalties (if any) which may have been incurred under the Legacy Duty Acts or the Succession Duty Act.

Reduction of Duty on Foreign and Colonial Bonds, &c. for Money not exceeding 25*l.*

10. In lieu of the Stamp Duty payable by virtue of the Act of the Twenty-fifth Year of Her Majesty, Chapter Twenty-two, upon or in respect of any Foreign or Colonial Bond, Debenture, or other Security for Money not exceeding Twenty-five Pounds, there shall be payable from and after the passing of this Act the Stamp Duty of Eightpence.

The Exemption from Stamp Duty in favour of Building Societies restricted in the Case of Mortgages.

11. The Exemption from Stamp Duty conferred by the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter Thirty-two, for the Regulation of Benefit Building Societies, shall not extend to any Mortgage to be made after the passing of this Act, except a Mortgage to be made by a Member of a Benefit Building Society for securing the Repayment to the Society of Money, and not exceeding Five hundred Pounds: Provided always, that nothing herein contained shall render any Receipt given under the Provisions of the Fifth Section of the said Act liable to any Stamp Duty.

12. In

12. In lieu of the Duties now payable under the Provisions of any Act or Acts of Parliament upon Transfers of Debenture Stock of any Company, there shall be charged and paid upon every such Transfer a Stamp Duty of Two Shillings and Sixpence for every full Sum of One hundred Pounds, and also for any fractional Part of One hundred Pounds of the nominal Amount of the Stock transferred. As to Stamp Duty on Transfers of Debenture Stock.

The SCHEDULE.

FORM of AFFIDAVIT required and to be received from Persons applying for Probates of Wills and Letters of Administration, in Cases in which Mortgage Debts may be deducted from the Value of Leaseholds.

No. 1.—*For Executors.*

A.E. of , an Executor [or A.E. of and B.E. of , Executors, as the Case may be] named in the last Will and Testament [or in a Codicil annexed to the last Will and Testament] of C.T. [the Testator], late of , who died on the Day of 18 , maketh Oath and saith [or make Oath and say, or, in the Case of Affirmations, do or doth solemnly affirm and declare], that he [she or they] hath [or have] made diligent Search and due Inquiry after and in respect of the Personal Estate and Effects of the said Deceased in order to ascertain the full Amount and Value thereof, and that to the best of his [her or their] Knowledge, Information, and Belief the whole of the Goods and Chattels, Rights and Credits, of which the said Deceased died possessed (including any Personal Estate and Effects which the Deceased had disposed of under his Will aforesaid under any Authority enabling him to dispose of the same as he should think fit) *consisted of the Property, Monies, Securities, Matters, and Things specified in the Account annexed to this Affidavit, and* are under the Value of Pounds, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially, and without deducting anything on account of the Debts due and owing from the Deceased, except in respect of Leaseholds in Mortgage, and further that the Particulars of the Debts so deducted are as follows (that is to say), [here state briefly the Date and Particulars of the Mortgage Security in respect of every Debt deducted,] and that the Leaseholds are the sole Security by way of Mortgage for the said Debts.

Sworn on the Day of 18 , Before me, } [To be signed by the Deponents.] A.E. B.E.

[NOTE.—The Words printed in *Italics* are to be used in Ireland only, and the Account is to be in the Form contained in Schedule 3. to 56 Geo. 3. c. 56.]

No. 2.

No. 2.—For Administrators.

B.A. of [C.A. of], in order to the due Administration of the Personal Estate and Effects of D.I. [the Intestate], late of , who died on the Day of intestate, maketh Oath and saith, &c. [*as in the preceding Form, according or so far as the same may be applicable to Administration with or without the Will annexed*].

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXV.

An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections. [31st *July* 1868.]

WHEREAS it is expedient to amend the Laws relating to Election Petitions, and to provide more effectually for the Prevention of corrupt Practices at Parliamentary Elections:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Parliamentary Elections Act, 1868."

Definition and Jurisdiction of Court.

2. The Expression "the Court" shall, for the Purposes of this Act, in its Application to *England* mean the Court of Common Pleas at *Westminster*, and in its Application to *Ireland* the Court of Common Pleas at *Dublin*, and such Court shall, subject to the Provisions of this Act, have the same Powers, Jurisdiction, and Authority with reference to an Election Petition and the Proceedings

ings thereon as it would have if such Petition were an ordinary Cause within their Jurisdiction.

Interpretation of Terms.

3. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

"Metropolitan District:" "Metropolitan District" shall mean the City of *London* and the Liberties thereof, and any Parish or Place subject to the Jurisdiction of the Metropolitan Board of Works:

"Election:" "Election" shall mean an Election of a Member or Members to serve in Parliament:

"County:" "County" shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts, or Division of a County returning a Member or Members to serve in Parliament:

"Borough:" "Borough" shall mean any Borough, University, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament:

"Candidate:" "Candidate" shall mean any Person elected to serve in Parliament at an Election, and any Person who has been nominated as or declared himself a Candidate at an Election:

"Corrupt Practices:" "Corrupt Practices" or "Corrupt Practice" shall mean Bribery, Treating, and undue Influence, or any of such Offences, as defined by Act of Parliament, or recognized by the Common Law of Parliament:

"Rules of Court:" "Rules of Court" shall mean Rules to be made as herein-after mentioned:

"Prescribed." "Prescribed" shall mean "prescribed by the Rules of Court."

Provision as to Speaker.

4. For the Purposes of this Act "Speaker" shall be deemed to include Deputy Speaker; and when the Office of Speaker is vacant, the Clerk of the House of Commons, or any other Officer for the Time being performing the Duties of the Clerk of the House of Commons, shall be deemed to be substituted for and to be included in the Expression "the Speaker."

Presentation and Service of Petition.

To whom and by whom Election Petition may be presented.

5. From and after the next Dissolution of Parliament a Petition complaining of an undue Return or undue Election of a Member to serve in Parliament for a County or Borough may be presented to the Court of Common Pleas at *Westminster*, if such County or Borough is situate in *England*, or to the Court of Common Pleas at *Dublin*, if such County or Borough is situate in *Ireland*, by any One or more of the following Persons:

1. Some Person who voted or who had a Right to vote at the Election to which the Petition relates; or,

2. Some

2. Some Person claiming to have had a Right to be returned or elected at such Election; or,
3. Some Person alleging himself to have been a Candidate at such Election:

And such Petition is herein-after referred to as an Election Petition.

Regulations as to Presentation of Election Petition.

6. The following Enactments shall be made with respect to the Presentation of an Election Petition under this Act:

1. The Petition shall be signed by the Petitioner, or all the Petitioners if more than One:
2. The Petition shall be presented within Twenty-one Days after the Return has been made to the Clerk of the Crown in Chancery in *England*, or to the Clerk of the Crown and Hanaper in *Ireland*, as the Case may be, of the Member to whose Election the Petition relates, unless it question the Return or Election upon an Allegation of corrupt Practices, and specifically alleges a Payment of Money or other Reward to have been made by any Member, or on his Account, or with his Privity, since the Time of such Return, in pursuance or in furtherance of such corrupt Practices, in which Case the Petition may be presented at any Time within Twenty-eight Days after the Date of such Payment:
3. Presentation of a Petition shall be made by delivering it to the prescribed Officer or otherwise dealing with the same in manner prescribed:
4. At the Time of the Presentation of the Petition, or within Three Days afterwards, Security for the Payment of all Costs, Charges, and Expenses that may become payable by the Petitioner—
   (*a.*) to any Person summoned as a Witness on his Behalf, or,
   (*b.*) to the Member whose Election or Return is complained of (who is herein-after referred to as the Respondent),

   shall be given on behalf of the Petitioner:
5. The Security shall be to an Amount of One thousand Pounds; it shall be given either by Recognizance to be entered into by any Number of Sureties not exceeding Four, or by a Deposit of Money in manner prescribed, or partly in one way and partly in the other.

Copy of Petition after Presentation to be sent to Returning Officer.

7. On Presentation of the Petition the prescribed Officer shall send a Copy thereof to the Returning Officer of the County or Borough to which the Petition relates, who shall forthwith publish the same in the County or Borough, as the Case may be.

8. Notice

Recognizance may be objected to.

8. Notice of the Presentation of a Petition under this Act, and of the Nature of the proposed Security, accompanied with a Copy of the Petition, shall, within the prescribed Time, not exceeding Five Days after the Presentation of the Petition, be served by the Petitioner on the Respondent; and it shall be lawful for the Respondent, where the Security is given wholly or partially by Recognizance, within a further prescribed Time, not exceeding Five Days from the Date of the Service on him of the Notice, to object in Writing to such Recognizance, on the Ground that the Sureties, or any of them, are insufficient, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not duly acknowledged the same.

Determination of Objection to Recognizance.

9. Any Objection made to the Security given shall be heard and decided on in the prescribed Manner. If an Objection to the Security is allowed it shall be lawful for the Petitioner, within a further prescribed Time, not exceeding Five Days, to remove such Objection, by a Deposit in the prescribed Manner of such Sum of Money as may be deemed by the Court or Officer having Cognizance of the Matter to make the Security sufficient.

If on Objection made the Security is decided to be insufficient, and such Objection is not removed in manner herein-before mentioned, no further Proceedings shall be had on the Petition; otherwise, on the Expiration of the Time limited for making Objections, or, after Objection made, on the Sufficiency of the Security being established, the Petition shall be deemed to be at issue.

List of Petitions at issue to be made.

10. The prescribed Officer shall, as soon as may be, make out a List of all Petitions under this Act presented to the Court of which he is such Officer, and which are at issue, placing them in the Order in which they were presented, and shall keep at his Office a Copy of such List, herein-after referred to as the Election List, open to the Inspection in the prescribed Manner of any Person making Application.

Such Petitions, as far as conveniently may be, shall be tried in the Order in which they stand in such List.

Trial of a Petition.

Mode of Trial of Election Petitions.

11. The following Enactments shall be made with respect to the Trial of Election Petitions under this Act:

1. The Trial of every Election Petition shall be conducted before a Puisne Judge of One of Her Majesty's Superior Courts of Common Law at *Westminster* or *Dublin*, according as the same

same shall have been presented to the Court at *Westminster* or *Dublin*, to be selected from a Rota to be formed as hereinafter mentioned.

2. The Members of each of the Courts of Queen's Bench, Common Pleas, and Exchequer in *England* and *Ireland* shall respectively, on or before the Third Day of *Michaelmas* Term in every Year, select, by a Majority of Votes, One of the Puisne Judges of such Court, not being a Member of the House of Lords, to be placed on the Rota for the Trial of Election Petitions during the ensuing Year.

3. If in any Case the Members of the said Court are equally divided in their Choice of a Puisne Judge to be placed on the Rota, the Chief Justice of such Court (including under that Expression the Chief Baron of the Exchequer) shall have a Second or Casting Vote.

4. Any Judge placed on the Rota shall be re-eligible in the succeeding or any subsequent Year.

5. In the event of the Death or the Illness of any Judge for the Time being on the Rota, or his Inability to act for any reasonable Cause, the Court to which he belongs shall fill up the Vacancy by placing on the Rota another Puisne Judge of the same Court.

6. The Judges for the Time being on the Rota shall, according to their Seniority, respectively try the Election Petitions standing for Trial under this Act, unless they otherwise agree among themselves, in which Case the Trial of each Election Petition shall be taken in manner provided by such Agreement.

7. Where it appears to the Judges on the Rota, after due Consideration of the List of Petitions under this Act for the Time being at issue, that the Trial of such Election Petitions will be inconveniently delayed unless an additional Judge or Judges be appointed to assist the Judges on the Rota, each of the said Courts (that is to say), the Court of Exchequer, the Court of Common Pleas, and Court of Queen's Bench, in the Order named, shall, on and according to the Requisition of such Judges on the Rota, select, in manner hereinbefore provided, One of the Puisne Judges of the Court to try Election Petitions for the ensuing Year; and any Judge so selected shall, during that Year, be deemed to be on the Rota for the Trial of Election Petitions:

8. Her Majesty may, in manner heretofore in use, appoint an additional Puisne Judge to each of the Courts of Queen's Bench, the Common Pleas, and the Exchequer in *England*:

9. Every Election Petition shall, except where it raises a Question of Law for the Determination of the Court, as herein-after

 mentioned,

mentioned, be tried by One of the Judges herein-before in that Behalf mentioned, herein-after referred to as the Judge sitting in open Court without a Jury.

10. Notice of the Time and Place at which an Election Petition will be tried shall be given, not less than Fourteen Days before the Day on which the Trial is held, in the prescribed Manner.

11. The Trial of an Election Petition in the Case of a Petition relating to a Borough Election shall take place in the Borough, and in the Case of a Petition relating to a County Election in the County: Provided always, that if it shall appear to the Court that special Circumstances exist which render it desirable that the Petition should be tried elsewhere than in the Borough or County, it shall be lawful for the Court to appoint such other Place for the Trial as shall appear most convenient: Provided also, that in the Case of a Petition relating to any of the Boroughs within the Metropolitan District, the Petition may be heard at such Place within the District as the Court may appoint.

12. The Judge presiding at the Trial may adjourn the same from Time to Time and from any one Place to any other Place within the County or Borough, as to him may seem expedient.

13. At the Conclusion of the Trial the Judge who tried the Petition shall determine whether the Member whose Return or Election is complained of, or any and what other Person, was duly returned or elected, or whether the Election was void, and shall forthwith certify in Writing such Determination to the Speaker, and upon such Certificate being given such Determination shall be final to all Intents and Purposes.

14. Where any Charge is made in an Election Petition of any corrupt Practice having been committed at the Election to which the Petition refers, the Judge shall, in addition to such Certificate, and at the same Time, report in Writing to the Speaker as follows:

(*a.*) Whether any corrupt Practice has or has not been proved to have been committed by or with the Knowledge and Consent of any Candidate at such Election, and the Nature of such corrupt Practice:

(*b.*) The Names of all Persons (if any) who have been proved at the Trial to have been guilty of any corrupt Practice:

(*c.*) Whether

(*c.*) Whether corrupt Practices have, or whether there is Reason to believe that corrupt Practices have, extensively prevailed at the Election to which the Petition relates.

15. The Judge may at the same Time make a special Report to the Speaker as to any Matters arising in the course of the Trial an Account of which in his Judgment ought to be submitted to the House of Commons.

16. Where, upon the Application of any Party to a Petition made in the prescribed Manner to the Court, it appears to the Court that the Case raised by the Petition can be conveniently stated as a Special Case, the Court may direct the same to be stated accordingly, and any such Special Case shall, as far as may be, be heard before the Court, and the Decision of the Court shall be final; and the Court shall certify to the Speaker its Determination in reference to such Special Case.

Applications to the Court respecting Trials.

12. Provided always, that if it shall appear to the Judge on the Trial of the said Petition that any Question or Questions of Law as to the Admissibility of Evidence or otherwise require further Consideration by the Court of Common Pleas, then it shall be lawful for the said Judge to postpone the granting of the said Certificate until the Determination of such Question or Questions by the Court, and for this Purpose to reserve any such Question or Questions in like Manner as Questions are usually reserved by a Judge on a Trial at Nisi Prius.

House of Commons to carry out Report.

13. The House of Commons, on being informed by the Speaker of such Certificate and Report or Reports, if any, shall order the same to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for issuing a Writ for a new Election, or for carrying the Determination into execution, as Circumstances may require.

House of Commons may make Order on special Report.

14. Where the Judge makes a special Report the House of Commons may make such Order in respect of such special Report as they think proper.

Report of the Judge as to corrupt Practices.

15. If the Judge states in his Report on the Trial of an Election Petition under this Act that corrupt Practices have, or that there is Reason to believe that corrupt Practices have, extensively prevailed in any County or Borough at the Election to which the Petition relates, such Statement shall for all the Purposes of the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present

present Majesty, Chapter Fifty-seven, intituled *An Act to provide for more effectual Inquiry into the Existence of corrupt Practices at Elections of Members to serve in Parliament,* have the same Effect and may be dealt with in the same Manner as if it were a Report of a Committee of the House of Commons appointed to try an Election Petition, and the Expenses of any Commission of Inquiry which may be issued in accordance with the Provisions of the said Act shall be defrayed as if they were Expenses incurred in the Registration of Voters for such County or Borough.

Report of Judge equivalent to Report of Election Committee.

16. The Report of the Judge in respect of Persons guilty of corrupt Practices shall for the Purpose of the Prosecution of such Persons in pursuance of Section Nine of the Act of the Twenty-sixth Year of the Reign of Her present Majesty, Chapter Twenty-nine, have the same Effect as the Report of the Election Committee therein mentioned that certain Persons have been guilty of Bribery and Treating.

Evidence of corrupt Practices how received.

17. On the Trial of an Election Petition under this Act, unless the Judge otherwise directs, any Charge of a corrupt Practice may be gone into and Evidence in relation thereto received before any Proof has been given of Agency on the Part of any Candidate in respect of such corrupt Practice.

Acceptance of Office not to stop Petition.

18. The Trial of an Election Petition under this Act shall be proceeded with notwithstanding the Acceptance by the Respondent of an Office of Profit under the Crown.

Prorogation of Parliament.

19. The Trial of an Election Petition under this Act shall be proceeded with notwithstanding the Prorogation of Parliament.

Proceedings.

Form of Petition.

20. An Election Petition under this Act shall be in such Form and state such Matters as may be prescribed.

Service of Petition.

21. An Election Petition under this Act shall be served as nearly as may be in the Manner in which a Writ or Summons is served, or in such other Manner as may be prescribed.

Joint Respondents to Petition.

22. Two or more Candidates may be made Respondents to the same Petition, and their Case may for the sake of Convenience be tried at the same Time, but for all the Purposes of this Act such Petition shall be deemed to be a separate Petition against each Respondent.

Provision in Cases where more than One Petition is presented.

23. Where, under this Act, more Petitions than One are presented relating to the same Election or Return, all such Petitions shall

in

in the Election List be bracketed together, and shall be dealt with as One Petition, but such Petitions shall stand in the Election List in the Place where the last of such Petitions would have stood if it had been the only Petition presented, unless the Court shall otherwise direct.

Shorthand Writer to attend Trial of Election Petition.

24. On the Trial of an Election Petition under this Act the Shorthand Writer of the House of Commons or his Deputy shall attend and shall be sworn by the Judge faithfully and truly to take down the Evidence given at the Trial, and from Time to Time as Occasion requires to write or cause the same to be written in Words at Length; and it shall be the Duty of such Shorthand Writer to take down such Evidence, and from Time to Time to write or cause the same to be written at Length, and a Copy of such Evidence shall accompany the Certificate made by the Judge to the Speaker; and the Expenses of the Shorthand Writer shall be deemed to be Part of the Expenses incurred in receiving the Judge.

Jurisdiction and Rules of Court.

Rules to be made by Court.

25. The Judges for the Time being on the Rota for the Trial of Election Petitions in *England* and *Ireland* may respectively from Time to Time make, and may from Time to Time revoke and alter, General Rules and Orders (in this Act referred to as the Rules of Court), for the effectual Execution of this Act, and of the Intention and Object thereof, and the Regulation of the Practice, Procedure, and Costs of Election Petitions, and the Trial thereof, and the certifying and reporting thereon.

Any General Rules and Orders made as aforesaid shall be deemed to be within the Powers conferred by this Act, and shall be of the same Force as if they were enacted in the Body of this Act.

Any General Rules and Orders made in pursuance of this Section shall be laid before Parliament within Three Weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within Three Weeks after the Beginning of the then next Session of Parliament.

Practice of House of Commons to be observed.

26. Until Rules of Court have been made in pursuance of this Act, and so far as such Rules do not extend, the Principles, Practice, and Rules on which Committees of the House of Commons have heretofore acted in dealing with Election Petitions shall be observed so far as may be by the Court and Judge in the Case of Election Petitions under this Act.

Performance of Duties by prescribed Officer.

27. The Duties to be performed by the prescribed Officer under this Act shall be performed by such One or more of the Masters

Masters of the Court of Common Pleas at *Westminster* as may be determined by the Chief Justice of the said Court of Common Pleas, and by the Master of the Court of Common Pleas at *Dublin*, and there shall be awarded to such Masters respectively, in addition to their existing Salaries, such Remuneration for the Performance of the Duties imposed on them in pursuance of this Act as the Chief Justices of the said Courts of Common Pleas at *Westminster* and *Dublin* may respectively, with the Consent of the Commissioners of the Treasury, determine.

Reception, Expenses, and Jurisdiction of Judge.

Reception of Judge.

28. The Judge shall be received at the Place where he is about to try an Election Petition under this Act with the same State, so far as Circumstances admit, as a Judge of Assize is received at an Assize Town; he shall be received by the Sheriff in the Case of a Petition relating to a County Election, and in any other Case by the Mayor, in the Case of a Borough having a Mayor, and in the Case of a Borough not having a Mayor by the Sheriff of the County in which the Borough is situate, or by some Person named by such Sheriff.

The travelling and other Expenses of the Judge, and all Expenses properly incurred by the Sheriff or by such Mayor or Person named as aforesaid in receiving the Judge and providing him with necessary Accommodation and with a proper Court, shall be defrayed by the Commissioners of the Treasury out of Money to be provided by Parliament.

Power of Judge.

29. On the Trial of an Election Petition under this Act the Judge shall, subject to the Provisions of this Act, have the same Powers, Jurisdiction, and Authority as a Judge of One of the Superior Courts and as a Judge of Assize and Nisi Prius, and the Court held by him shall be a Court of Record.

Attendance on Judge.

30. The Judge shall be attended on the Trial of an Election Petition under this Act in the same Manner as if he were a Judge sitting at Nisi Prius, and the Expenses of such Attendance shall be deemed to be Part of the Expenses of providing a Court.

Witnesses.

Summons of Witnesses.

31. Witnesses shall be subpœnaed and sworn in the same Manner as nearly as Circumstances admit as in a Trial at Nisi Prius, and shall be subject to the same Penalties for Perjury.

32. On

Election Petitions and corrupt Practices at Elections.

Judge may summon and examine Witnesses.

32. On the Trial of an Election Petition under this Act the Judge may, by Order under his Hand, compel the Attendance of any Person as a Witness who appears to him to have been concerned in the Election to which the Petition refers, and any Person refusing to obey such Order shall be guilty of Contempt of Court. The Judge may examine any Witness so compelled to attend or any Person in Court although such Witness is not called and examined by any Party to the Petition. After the Examination of a Witness as aforesaid by a Judge such Witness may be cross-examined by or on behalf of the Petitioner and Respondent, or either of them.

Indemnity to Witnesses.

33. The Provisions of the Seventh Section of the Act of the Session of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Twenty-nine, relating to the Examination and Indemnity of Witnesses, shall apply to any Witness appearing before a Judge on the Trial of an Election Petition under this Act, in the same Manner as in the Case of a Trial before a Committee of the House of Commons before the passing of this Act, and the Certificate shall be given under the Hand of the Judge.

Expenses of Witnesses.

34. The reasonable Expenses incurred by any Person in appearing to give Evidence at the Trial of an Election Petition under this Act, according to the Scale allowed to Witnesses on the Trial of Civil Actions at the Assizes, may be allowed to such Person by a Certificate under the Hand of the Judge or of the prescribed Officer, and such Expenses if the Witness was called and examined by the Judge shall be deemed Part of the Expenses of providing a Court, and in other Cases shall be deemed to be Costs of the Petition.

Withdrawal and Abatement of Election Petitions.

Withdrawal of Petition and Substitution of new Petitioners.

35. An Election Petition under this Act shall not be withdrawn without the Leave of the Court or Judge upon special Application, to be made in and at the prescribed Manner, Time, and Place.

No such Application shall be made for the Withdrawal of a Petition until the prescribed Notice has been given in the County or Borough to which the Petition relates of the Intention of the Petitioner to make an Application for the Withdrawal of his Petition.

On the Hearing of the Application for Withdrawal any Person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court or Judge to be substituted as a Petitioner for the Petitioner so desirous of withdrawing the Petition.

The Court or Judge may, if it or he think fit, substitute as a Petitioner any such Applicant as aforesaid; and may further, if the proposed

proposed Withdrawal is in the Opinion of the Court or Judge induced by any corrupt Bargain or Consideration, by Order direct that the Security given on behalf of the original Petitioner shall remain as Security for any Costs that may be incurred by the substituted Petitioner, and that to the Extent of the Sum named in such Security the original Petitioner shall be liable to pay the Costs of the substituted Petitioner.

If no such Order is made with respect to the Security given on behalf of the original Petitioner, Security to the same Amount as would be required in the Case of a new Petition, and subject to the like Conditions, shall be given on behalf of the substituted Petitioner before he proceeds with his Petition, and within the prescribed Time after the Order of Substitution.

Subject as aforesaid a substituted Petitioner shall stand in the same Position as nearly as may be, and be subject to the same Liabilities as the original Petitioner.

If a Petition is withdrawn, the Petitioner shall be liable to pay the Costs of the Respondent.

Where there are more Petitioners than One, no Application to withdraw a Petition shall be made except with the Consent of all the Petitioners.

Court to report to the Speaker Circumstances of Withdrawal.

36. In every Case of the Withdrawal of an Election Petition under this Act the Court or Judge shall report to the Speaker whether in its or his Opinion the Withdrawal of such Petition was the Result of any corrupt Arrangement, or in consideration of the Withdrawal of any other Petition, and if so the Circumstances attending the Withdrawal.

Abatement of Petition.

37. An Election Petition under this Act shall be abated by the Death of a sole Petitioner or of the Survivor of several Petitioners.

The Abatement of a Petition shall not affect the Liability of the Petitioner to the Payment of Costs previously incurred.

On the Abatement of a Petition the prescribed Notice of such Abatement having taken place shall be given in the County or Borough to which the Petition relates, and within the prescribed Time after the Notice is given, any Person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court or Judge, in and at the prescribed Manner, Time, and Place, to be substituted as a Petitioner.

The Court or Judge may, if it or he think fit, substitute as a Petitioner any such Applicant who is desirous of being substituted and on whose Behalf Security to the same Amount is given as is required in the Case of a new Petition.

38. If

Admission in certain Cases of Voters to be Respondents.

38. If before the Trial of any Election Petition under this Act any of the following Events happen in the Case of the Respondent; (that is to say,)

(1.) If he dies:

(2.) If he is summoned to Parliament as a Peer of *Great Britain* by a Writ issued under the Great Seal of *Great Britain*:

(3.) If the House of Commons have resolved that his Seat is vacant:

(4.) If he gives in and at the prescribed Manner and Time Notice to the Court that he does not intend to oppose the Petition:

Notice of such Event having taken place shall be given in the County or Borough to which the Petition relates, and within the prescribed Time after the Notice is given any Person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court or Judge to be admitted as a Respondent to oppose the Petition, and such Person shall on such Application be admitted accordingly, either with the Respondent, if there be a Respondent, or in place of the Respondent; and any Number of Persons not exceeding Three may be so admitted.

Respondent not opposing not to appear as Party or to sit.

39. A Respondent who has given the prescribed Notice that he does not intend to oppose the Petition shall not be allowed to appear or act as a Party against such Petition in any Proceedings thereon, and shall not sit or vote in the House of Commons until the House of Commons has been informed of the Report on the Petition, and the Court or Judge shall in all Cases in which such Notice has been given in the prescribed Time and Manner report the same to the Speaker of the House of Commons.

Provisions for Cases of double Return where the Member complained of declines to defend his Return.

40. Where an Election Petition under this Act complains of a double Return and the Respondent has given Notice to the prescribed Officer that it is not his Intention to oppose the Petition, and no Party has been admitted in pursuance of this Act to defend such Return, then the Petitioner if there be no Petition complaining of the other Member returned on such double Return, may withdraw his Petition by Notice addressed to the prescribed Officer, and upon the Receipt of such Notice the prescribed Officer shall report the Fact of the Withdrawal of such Petition to the Speaker, and the House of Commons shall thereupon give the necessary Directions for amending the said double Return by taking off the File the Indenture by which the Respondent so declining to oppose the Petition was returned, or otherwise as the Case may require: Provided always, that this Section shall not apply to *Ireland*.

Costs.

Costs.

General Costs of Petition.

41. All Costs, Charges, and Expenses of and incidental to the Presentation of a Petition under this Act, and to the Proceedings consequent thereon, with the Exception of such Costs, Charges, and Expenses as are by this Act otherwise provided for, shall be defrayed by the Parties to the Petition in such Manner and in such Proportions as the Court or Judge may determine, regard being had to the Disallowance of any Costs, Charges, or Expenses which may, in the Opinion of the Court or Judge, have been caused by vexatious Conduct, unfounded Allegations, or unfounded Objections on the Part either of the Petitioner or the Respondent, and regard being had to the Discouragement of any needless Expense by throwing the Burden of defraying the same on the Parties by whom it has been caused, whether such Parties are or not on the whole successful.

The Costs may be taxed in the prescribed Manner but according to the same Principles as Costs between Attorney and Client are taxed in a Suit in the High Court of Chancery, and such Costs may be recovered in the same Manner as the Costs of an Action at Law, or in such other Manner as may be prescribed.

Recognizance, when to be estreated, &c.

42. If any Petitioner in an Election Petition presented under this Act neglect or refuse for the Space of Six Months after Demand to pay to any Person summoned as a Witness on his Behalf, or to the Respondent any Sum certified to be due to him for his Costs, Charges, and Expenses, and if such Neglect or Refusal be, within One Year after such Demand, proved to the Satisfaction of the Court of Elections, in every such Case every Person who has entered into a Recognizance relating to such Petition under the Provisions of this Act shall be held to have made default in his said Recognizance, and the prescribed Officer shall thereupon certify such Recognizance to be forfeited, and the same shall be dealt with in *England* in manner provided by the Act of the Third Year of the Reign of King *George* the Fourth, Chapter Forty-six, and in *Ireland* in manner provided by "The Fines Act (*Ireland*), 1851."

Punishment of corrupt Practices.

Punishment of Candidate guilty of Bribery.

43. Where it is found, by the Report of the Judge upon an Election Petition under this Act, that Bribery has been committed by or with the Knowledge and Consent of any Candidate at an Election, such Candidate shall be deemed to have been personally guilty of Bribery at such Election, and his Election, if he has been elected, shall be void, and he shall be incapable of being elected to and of sitting in the House of Commons during the Seven Years next

next after the Date of his being found guilty; and he shall further be incapable during the said Period of Seven Years—

(1.) Of being registered as a Voter and voting at any Election in the United Kingdom; and

(2.) Of holding any Office under the Act of the Session of the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, Chapter Seventy-six, or of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and eight, or any Municipal Office; and

(3.) Of holding any Judicial Office, and of being appointed and of acting as a Justice of the Peace.

Penalty for employing corrupt Agent.

44. If on the Trial of any Election Petition under this Act any Candidate is proved to have personally engaged at the Election to which such Petition relates as a Canvasser or Agent for the Management of the Election, any Person knowing that such Person has within Seven Years previous to such Engagement been found guilty of any corrupt Practice by any competent Legal Tribunal, or been reported guilty of any corrupt Practice by a Committee of the House of Commons, or by the Report of the Judge upon an Election Petition under this Act, or by the Report of Commissioners appointed in pursuance of the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, the Election of such Candidate shall be void.

Disqualification of Persons found guilty of Bribery.

45. Any Person, other than a Candidate, found guilty of Bribery in any Proceeding in which after Notice of the Charge he has had an Opportunity of being heard, shall, during the Seven Years next after the Time at which he is so found guilty, be incapable of being elected to and sitting in Parliament; and also be incapable—

(1.) Of being registered as a Voter and voting at any Election in the United Kingdom; and

(2.) Of holding any Office under the Act of the Session of the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, Chapter Seventy-six, or of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and eight, or any Municipal Office; and

(3.) Of holding any Judicial Office, and of being appointed and of acting as a Justice of the Peace.

Amendment of the Law relating to the Disqualification of Candidates for corrupt Practices.

46. For the Purpose of disqualifying, in pursuance of the Thirty-sixth Section of "The Corrupt Practices Prevention Act, 1854," a Member guilty of corrupt Practices, other than personal Bribery within the Forty-third Section of this Act, the Report of the Judge on the Trial of an Election Petition shall be deemed to be substituted

tuted for the Declaration of an Election Committee, and the said Section shall be construed as if the Words "reported by a Judge "on the Trial of an Election Petition" were inserted therein in the Place of the Words "declared by an Election Committee."

Removal of Disqualification on Proof that Disqualification was procured by Perjury.

47. If at any Time after any Person has become disqualified by virtue of this Act, the Witnesses, or any of them, on whose Testimony such Person shall have so become disqualified, shall, upon the Prosecution of such Person, be convicted of Perjury in respect of such Testimony, it shall be lawful for such Person to move the Court to order, and the Court shall, upon being satisfied that such Disqualification was procured by reason of Perjury, order, that such Disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

Miscellaneous.

Returning Officer may be sued for neglecting to return any Person duly elected.

48. If any Returning Officer wilfully delays, neglects, or refuses duly to return any Person who ought to be returned to serve in Parliament for any County or Borough, such Person may, in case it has been determined on the Hearing of an Election Petition under this Act that such Person was entitled to have been returned, sue the Officer having so wilfully delayed, neglected, or refused duly to make such Return at his Election in any of Her Majesty's Courts of Record at *Westminster*, and shall recover double the Damages he has sustained by reason thereof, together with full Costs of Suit; provided such Action be commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of the Trial relating to such Election.

Calculation of Time.

49. In reckoning Time for the Purposes of this Act, *Sunday*, *Christmas Day*, *Good Friday*, and any Day set apart for a Public Fast or Public Thanksgiving shall be excluded.

Controverted Elections to be tried under Act.

50. From and after the next Dissolution of Parliament no Election or Return to Parliament shall be questioned except in accordance with the Provisions of this Act, but until such Dissolution, Elections and Returns to Parliament may be questioned in manner heretofore in use.

Returning Officer if complained of to be Respondent.

51. Where an Election Petition under this Act complains of the Conduct of a Returning Officer, such Returning Officer shall for all the Purposes of this Act, except the Admission of Respondents in his Place, be deemed to be a Respondent.

Petition complaining of no Return.

52. A Petition under this Act complaining of no Return may be presented to the Court, and shall be deemed to be an Election Petition

Petition within the Meaning of this Act, and the Court may make such Order thereon as they think expedient for compelling a Return to be made, or may allow such Petition to be heard by the Judge in manner herein-before provided with respect to ordinary Election Petitions.

Recrimination when Petition for undue Return.

53. On the Trial of a Petition under this Act complaining of an undue Return and claiming the Seat for some Person, the Respondent may give Evidence to prove that the Election of such Person was undue in the same Manner as if he had presented a Petition complaining of such Election.

Repeal of Acts.

54. From and after the next Dissolution of Parliament the Acts contained in the Schedule hereto are repealed so far as relates to Elections and Petitions to the Extent therein mentioned; provided that such Repeal shall not affect the Validity or Invalidity of anything already done or suffered, or any Offence already committed, or any Remedy or Proceeding in respect thereof, or the Proof of any past Act or Thing.

Provision as to Payment of additional Judges and Remuneration of Judges for Duties to be performed under this Act.

55. The additional Puisne Judges appointed under this Act to each of the Courts of Queen's Bench, the Common Pleas, and the Exchequer in *England* shall, as to Rank, Salary, Pension, Attendant Officers, Jurisdiction, and all other Privileges and Duties of a Judge, stand in the same Position as the other Puisne Judges of the Court to which he is attached.

Any Puisne Judge of the said Courts appointed in pursuance of or after the passing of this Act shall be authorized to sit, and shall, when requested by the Lord Chancellor, sit as Judge of the Court of Probate and Court of Marriage and Divorce or of the Admiralty Court.

Commissions of Inquiry into corrupt Practices.

56. If upon a Petition to the House of Commons, presented within Twenty-one Days after the Return to the Clerk of the Crown in Chancery in *England*, or to the Clerk of the Crown and Hanaper in *Ireland*, of a Member to serve in Parliament for any Borough or County, or within Fourteen Days after the meeting of Parliament, and signed by any Two or more Electors of such Borough or County, and alleging that corrupt Practices have extensively prevailed at the then last Election for such Borough or County, or that there is Reason to believe that corrupt Practices have there so prevailed, an Address be presented by both Houses of Parliament, praying that such Allegation may be inquired into, the Crown may appoint Commissioners to inquire into the same, and if such Commissioners in such Case be appointed, they shall inquire in the same Manner and with the same Powers and subject to all the Provisions of the

Rules as to Agents practising in Cases of Election Petitions.

57. Any Person who at the Time of the passing of this Act was entitled to practise as Agent, according to the Principles, Practice, and Rules of the House of Commons, in Cases of Election Petitions and Matters relating to Election of Members of the House of Commons, shall be entitled to practise as an Attorney or Agent in Cases of Election Petitions and all Matters relating to Elections before the Court and Judges prescribed by this Act: Provided, that every such Person so practising as aforesaid shall, in respect of such Practice and everything relating thereto, be subject to the Jurisdiction and Orders of the Court as if he were an Attorney of the said Court: And further, Provided, that no such Person shall practise as aforesaid until his Name shall have been entered on a Roll to be made and kept, and which is hereby authorized to be made and kept, by the prescribed Officer in the prescribed Manner.

Application of Act to Scotland.

58. The Provisions of this Act shall apply to *Scotland*, subject to the following Modifications:

1. The Expression "the Court" shall mean either Division of the Inner House of the Court of Session, and either of such Divisions shall have the same Powers, Jurisdiction, and Authority with reference to an Election Petition in *Scotland*, and the Proceedings thereon, which by this Act are conferred on the Court of Common Pleas at *Westminster* with respect to Election Petitions in *England*:
2. The Expression "County" shall not include a County of a City, but shall mean any County or Division of a County, or any Combination of Counties, or of Counties and Portions of Counties, returning a Member to serve in Parliament:
3. The Expression "Borough" shall mean any University or Universities, or any City, Town, Burgh, or District of Cities, Towns, or Burghs, returning a Member or Members to serve in Parliament:
4. "Recognizance" shall mean a Bond of Caution with usual and necessary Clauses:
5. The Trial of every Election Petition in *Scotland* shall be conducted before a Judge of the Court of Session, to be selected from a Rota to be formed as herein-after mentioned:
6. The Judges of the Court of Session shall, on or before the First Day of the Winter Session in every Year, select, by a Majority of Votes, Two of the Judges of such Court, not being Members of the House of Lords, to be placed on the Rota for the Trial of Election Petitions during the ensuing Year:

7. If in any Case the Judges of the said Court are equally divided in their Choice of a Judge to be placed on the Rota, the Lord President shall have a Second or Casting Vote:

8. Any Judge placed on the Rota shall be re-eligible in the succeeding or any subsequent Year:

9. In the event of the Death or Illness of any Judge for the Time being on the Rota, or his Inability to act for any reasonable Cause, the Judges shall fill up the Vacancy by placing on the Rota another Judge:

10. The Judges for the Time being on the Rota shall, according to their Seniority, respectively try the Election Petitions standing for Trial under this Act, unless they otherwise agree among themselves, in which Case the Trial of each Election Petition shall be taken in manner provided by such Agreement:

11. Where it appears to the Judges on the Rota, after due Consideration of the List of Petitions under this Act for the Time being at issue, that the Trial of such Election Petitions will be inconveniently delayed unless an additional Judge or Judges be appointed to assist the Judges on the Rota, the Judges of the Court of Session shall, on and according to the Requisition of such Judges on the Rota, select in manner herein-before provided, a Judge to try Election Petitions for the ensuing Year; and any Judge so selected shall during that Year be deemed to be on the Rota for the Trial of Election Petitions:

12. The Duties to be performed by the prescribed Officer under this Act with reference to Election Petitions in *Scotland* shall be performed by such One or more of the principal Clerks of Session as may be determined by the Lord President of the Court of Session; and there shall be awarded to such principal Clerk or Clerks, in addition to their existing Salaries, such Remuneration for the Performance of the Duties imposed on them in pursuance of this Act as the said Lord President may, with the Consent of the Commissioners of the Treasury, determine:

13. The Judge shall be received at the Place where he is about to try an Election Petition under this Act in the same Manner and by the same Authorities, as far as Circumstances admit, as a Judge of the Court of Justiciary is received at a Circuit Town, and he shall be attended by such Officer or Officers as shall be necessary:

14. The travelling and other Expenses of the Judge, and of the Officer or Officers in attendance upon him, and all Expenses properly incurred in providing the Judge with a proper Court,

Court, shall be defrayed by the Commissioners of the Treasury out of Money to be provided by Parliament:

15. On the Trial of an Election Petition under this Act, the Judge shall, subject to the Provisions of this Act, have the same Powers, Jurisdictions, and Authority as a Judge of the Court of Session presiding at the Trial of a Civil Cause without a Jury:

16. The Principles of Taxation of Costs as between Attorney and Client in a Suit in the High Court of Chancery shall in *Scotland* mean the Principles of Taxation of Expenses as between Agent and Client in the Court of Session:

17. Any of Her Majesty's Courts of Record at *Westminster* shall in *Scotland* mean the Court of Session in *Scotland:*

18. In lieu of the Provisions for the estreating of a Recognizance under an Election Petition, the prescribed Officer shall, when otherwise competent under the Provisions of this Act, certify that the Conditions contained in the Bond of Caution have not been fulfilled, and it shall then be competent for the Party or Parties interested to register the said Bond, and do Diligence upon it as accords of Law.

Duration of Act.

59. This Act shall be in force until the Expiration of Three Years from the passing of such Act, and to the End of the then next Session of Parliament.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
4 & 5 Vict. c. 57. -	An Act for the Prevention of Bribery at Elections.	The whole Act.
5 & 6 Vict. c. 102. -	An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament.	The whole Act.
11 & 12 Vict. c. 98.	An Act to amend the Law for the Trial of Election Petitions.	The whole Act.
26 Vict. c. 29. -	An Act to amend and continue the Law relating to corrupt Practices at Elections of Members of Parliament.	Section 8.
28 Vict. c. 8. -	An Act to amend "The Election Petitions Act, 1848," in certain Particulars.	The whole Act.

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ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXVI.

An Act to enable Her Majesty the Queen to carry into effect a Convention made between Her Majesty and other Powers relative to a Loan for the Completion of Works for the Improvement of the Navigation of the *Danube*.

[31st *July* 1868.]

WHEREAS Her Majesty the Queen and Their Majesties the Emperor of *Austria*, the Emperor of the *French*, the King of *Italy*, the King of *Prussia* in the Name of the *North German Confederation*, and the Emperor of the *Ottomans*, having recognized the Necessity of putting the *European* Commission of the *Danube* appointed under the Treaty of *Paris* of the 30th Day of *March* 1856 in a Position to contract a Loan on advantageous Terms, and by this Means to complete the Works of Improvement undertaken or to be undertaken at the Mouth and in the Branch of the *Sulina*, without imposing too heavy Burdens on the Vessels of all Nations which frequent the *Lower Danube*, have entered into a Convention in that Behalf, which was made and signed at *Galatz* on the 30th Day of *April* 1868, and has been duly ratified by Her Majesty:

And

Danube Works Loan.

And whereas the said Convention comprised Articles to the following Effect; namely:

"Article I.—Their Majesties—

"The Emperor of *Austria*, King of *Hungary* and *Bohemia*, "engages, subject to the Assent of the competent Represen- "tative Bodies, to guarantee the Interest and Sinking Fund of "a Loan of Three millions three hundred and seventy-five "thousand Francs, or One hundred and thirty-five thousand "Pounds Sterling, to be contracted by the *European* Com- "mission of the *Danube*:

"The Emperor of the *French* engages, subject to the Ratifi- "cation of the Legislative Body of *France*, to guarantee the "Interest and Sinking Fund of the same Loan:

"The Queen of the United Kingdom of *Great Britain* and "*Ireland* engages to recommend to Her Parliament to enable "Her to guarantee the Interest and Sinking Fund of the same "Loan:

"The King of *Italy* engages, subject to the Approbation of "the *Italian* Parliament, to guarantee the Interest and Sinking "Fund of the same Loan:

"The King of *Prussia* engages in the Name of the *North* "*German Confederation*, subject to the Assent of the Reichstag "and of the Federal Council, to guarantee the Interest and "Sinking Fund of the same Loan:

"The Emperor of the *Ottomans* engages to guarantee the "Interest and Sinking Fund of the same Loan:

"And it is understood that this Guarantee shall be joint "and several between all the High Contracting Parties.

"Article II.—The Interest payable on the said Loan shall "not be higher than Five *per Cent.*, and the Duration of "the Redemption shall not exceed a Period of Thirteen "Years, reckoning from the First of *January* One thousand "eight hundred and seventy-one, the Date at which the "Payment of the Loan will have been completed by the "Lenders.

"Reckoning from the First Instalment, and until the First "of *January* One thousand eight hundred and seventy-one, "the joint and several Guarantee shall bear upon the Interest "of the Sums paid; and during the following Years, upon "the Annuities comprising both Interest and Repayment of "the Capital, and not exceeding the total Sum of Three "hundred and sixty thousand Francs, or Fourteen thousand "four hundred Pounds sterling *per Annum*.

"Article III.—If the net Produce of the Tolls levied by "the *European* Commission at the *Sulina* Mouth, in virtue of "the XVIth Article of the Treaty of *Paris*, after Deduction

"of

" of a Sum not exceeding Four hundred thousand Francs, or " Sixteen thousand Pounds Sterling, for the Expenses of " maintaining the Works and of Administration, should " happen to be insufficient to provide completely for the " Payment of the Interest and Sinking Fund of the Loan, His " Imperial Royal Apostolic Majesty, His Majesty the Emperor " of the *French*, Her Majesty the Queen of the United King- " dom of *Great Britain* and *Ireland*, His Majesty the King of " *Italy*, His Majesty the King of *Prussia* in the Name of the " *North German Confederation*, and His Majesty the Emperor " of the *Ottomans*, upon Notice of the Amount of the Deficit, " which shall be given to them One Month before it becomes " due, either by the *European* Commission, or by the Autho- " rity which shall succeed it, or by the Parties interested " themselves, engage to furnish as an Advance, before the " Expiration of that Time, their Share in the said Guarantee.

" Article IV.—In the event contemplated by the preceding " Article, and in order to avoid all Delay, the *British* Govern- " ment engages to deposit at the Bank of *England* the whole " Sum necessary for the integral Payment of the Interest and " Sinking Fund at the precise Time of their falling due.

" On their Part, the other Contracting Powers engage to " remit immediately their said Share to the *British* Govern- " ment.

" Article V.—Article XIV. of the Public Act of the 2d *No-* " *vember* 1865, having stipulated that the Revenue produced by " the above-mentioned Tolls should be appropriated by Priority " and Preference to the Repayment of the Loans contracted by " the *European* Commission, and of those which it might con- " tract in future for the Completion of the Works of Improve- " ment of the Mouths of the *Danube*, the High Contracting " Parties reserve the Right to make use for themselves of the " Privilege of such Right of Priority and Preference, by Right " of Substitution, in the event of their having been obliged " to provide from their own Funds for the Service of the " guaranteed Loan.

" It is understood, however, that such Right of Priority " will be exercised by the Powers without Prejudice either to " the Rights of the Holders of the Scrip of this Loan or to " the anterior Rights of the Creditors for whose Benefit the " *European* Commission has pledged its Revenues for the " Amount of the partial Loans, amounting to One hundred " and eleven thousand and one hundred Ducats, issued on the " 12th of *May* 1866, the 25th of *April*, and 4th of *November* " 1867, in order to begin the permanent Works, and repayable " at short Terms from the Produce of the Loan to be " contracted.

" Article

" Article VI.—As soon as the present Convention shall have
" become definitive for Four at least of the High Contracting
" Parties the joint and several Guarantee shall have its full
" and entire Effect in respect of these latter :"

And whereas it is expedient that Her Majesty be enabled to carry into effect the Articles aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for Queen to guarantee Interest and Sinking Fund.

1. It shall be lawful for Her Majesty, Her Heirs and Successors, to guarantee, jointly with their Majesties the Emperor of *Austria*, the Emperor of the *French*, the King of *Italy*, the King of *Prussia* in the Name of the *North German Confederation*, and the Emperor of the *Ottomans*, or any Three or more of those Powers, and severally, on the Terms and Conditions set forth in the said Convention, Interest at a Rate not exceeding Five *per Centum per Annum* on a Loan not exceeding One hundred and thirty-five thousand Pounds Sterling, to be contracted by the *European* Commission of the *Danube* in pursuance of the said Convention, and the Sinking Fund of the same Loan as provided for in the said Convention.

Issue out of Consolidated Fund of Sums requisite.

2. The Commissioners of Her Majesty's Treasury may from Time to Time cause to be issued out of the Consolidated Fund of the United Kingdom or the growing Produce thereof any Money for the Time being requisite for giving Effect to the Guarantee authorized by this Act.

Repayment to Consolidated Fund.

3. The Commissioners of Her Majesty's Treasury shall cause any Money at any Time paid in or towards Repayment of Money issued under this Act to be carried to, and the same shall form Part of, the Consolidated Fund of the United Kingdom.

Accounts to be laid before both Houses of Parliament.

4. The Commissioners of Her Majesty's Treasury shall lay before both Houses of Parliament yearly, on the First of *February* in each Year, or within Fourteen Days after the Meeting of Parliament, an Account up to the Thirty-first Day of *December* then next preceding of the Issues and Repayments (if any) under this Act.

Short Title.

5. This Act may be cited as The *Danube* Works Loan Act, 1868.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXXVII.

An Act to prevent the Removal of the Tower of the Church of *Saint Mary Somerset* in the City of *London*, and for vesting the said Tower and the Site thereof, and a Portion of the Burial Ground attached to the said Church, in the Corporation of the said City.

[31st *July* 1868.]

WHEREAS by an Order of Her Majesty in Council, bearing Date the Tenth Day of *November* in the Year One thousand eight hundred and sixty-six, which Order was duly published in the *London Gazette* on the Thirteenth Day of the same Month, Provision is made in pursuance of the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and forty-two, for the Union of the Benefice (being a Rectory) of *Saint Nicholas Cole Abbey* with *Saint Nicholas Olave* in the City of *London* with the Benefice (being a Rectory) of *Saint Mary Somerset* with *Saint Mary Mounthaw* in the said City of *London*, and Provision is by the said Order made for the Demolition and Sale by the Ecclesiastical Commissioners for *England* of the Materials of the Church of *Saint Mary Somerset* (including the Tower thereof), and for the Sale of the Site of the said Church: 23 & 24 Vict. c. 142.

And

And whereas it is expedient that the Tower of the said Church should be preserved and maintained as a Feature of Architectural Interest:

And whereas it is expedient, in order to promote the Objects towards which the Funds to arise from the Sale of the said Site will be applicable in pursuance of the Provisions of the said Order in Council, and also for the Improvement of the City of *London*, that the Portion of the Churchyard and Burial Ground attached to the said Church and herein-after mentioned should be appropriated to the widening of *Upper Thames Street* in the said City in manner herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Recited Order not to authorize Demolition of Tower of the said Church.

1. The Provisions of the said Order of Her Majesty in Council shall not be held to authorize the Demolition or Sale by the said Commissioners of the said Tower, or of the Site thereof, comprising therewith a Space of Six Feet in Depth on the Northern and Eastern Sides of such Tower.

Vesting Tower and Site thereof in Corporation of London.

2. The Fabric and Site of the said Tower, together with a Space of Six Feet in Depth on the Northern and Eastern Sides of such Tower, shall be and the same are hereby vested in the Mayor and Commonalty and Citizens of the City of *London*, and their Successors for ever, and shall be under their Control and Management, and be by them preserved and maintained, and may be used by them for such Purposes as they may think fit, with the Approval of the Lord Bishop of *London* for the Time being.

Portion of Churchyard to be appropriated to widening Upper Thames Street.

3. That Portion of the Churchyard and Burial Ground heretofore attached to the said Church which is situated between *Upper Thames Street* on the South Side and the Body of the said Church and Part of the Churchyard on the North Side, and which abuts upon the said Street for a Distance of Eighty-eight Feet measured from the Western Angle of the Wall and Railing, which now encloses such Churchyard and separates the same from the said Street, and which Portion comprises an Area of Two hundred and sixteen Square Yards, more or less, shall be and the same is hereby vested in the said Corporation for the Purpose of the same being by them dedicated to the widening of *Upper Thames Street*, and the same shall, when so dedicated, be under the Care and Management of the Commissioners of Sewers of the said City.

4. The

Saint Mary Somerset's Church, London.

4. The Corporation shall cause the Remains of any Persons in any Graves or Vaults in the Portion of the Churchyard to be thrown into the public Way to be re-interred in a decent Manner, either in the remaining Portion of the Churchyard or in some public Cemetery, with the Approval of the Lord Bishop of *London* for the Time being, and the Ecclesiastical Commissioners for *England* shall repay to the Corporation One Half of the Costs of such Removal. The Remains of any Persons in Graves disturbed by such widening of Thames Street to be re-interred.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1868.

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXXVIII.

An Act to extend the Provisions of the Act Twenty-eighth and Twenty-ninth *Victoria*, Chapter One hundred and thirteen, to Persons who have held the Office of Lord High Commissioner of the *Ionian Islands*.

[31st *July* 1868.]

WHEREAS an Act was passed in the Session of Parliament of the Twenty-eighth and Twenty-ninth Year of Her Majesty, Chapter One hundred and thirteen, to authorize the Payment of Retiring Pensions to Colonial Governors; and it is expedient that the Powers and Provisions of the said Act should be extended and be applicable to Persons who have held the Office or exercised the Functions of Lord High Commissioner of the *Ionian Islands*:

Be it hereby enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

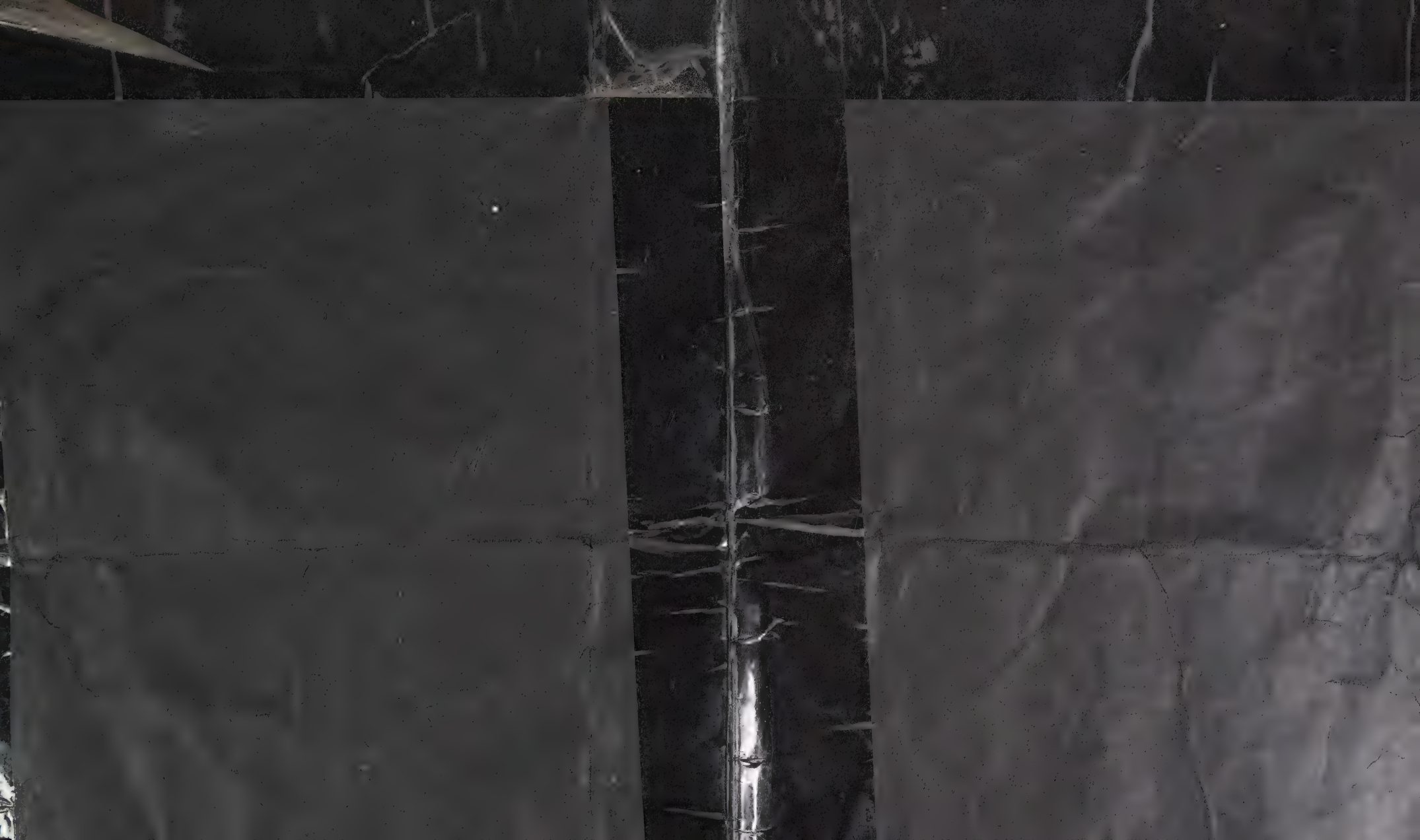
1. That all the Provisions of the said Act shall extend and apply to any Person who has held the Office or exercised the Functions of

Provisions of 28 & 29 Vict. c. 113. ex-

tended to Lord High Commissioners of the Ionian Islands.

of Lord High Commissioner of the *Ionian Islands*, as if such Person had been an Officer or Person who had administered, or might be deemed by the Provisions of the said Act to have administered, the Government of a Colony according to the true Intent of the said recited Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1867.



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXXIX.

An Act to amend the Law relating to the Registration of Ships in *British* Possessions.

[31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of terminable Certificates of Registry, subject to Conditions, in Colonies.

1. The Governor or Officer lawfully administering the Government of any *British* Possession may from Time to Time, with the Approval of One of Her Majesty's Principal Secretaries of State, make Regulations providing that on an Application for Registration under the Merchant Shipping Act, 1854, in that Possession of any Ship not exceeding Sixty Tons Burden, the Registrar may grant, in lieu of a Certificate of Registry as required by that Act, a Certificate of Registry to be terminable at the End of Six Months from the granting thereof, or of any longer Period; and all Certificates of Registry granted under any such Regulations shall be in such Form and shall have Effect subject to such Conditions as the Regulations prescribe.

2. Not-

Colonial Shipping.

Ship to be deemed registered.

2. Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any Ship to which a Certificate is granted under any such Regulations shall, while such Certificate is in force, and in relation to all Things done or omitted during that Period, be deemed a registered *British* Ship.

Governors abroad may appoint Surveyors.

3. The Governor of any *British* Possession abroad may from Time to Time appoint fit and proper Persons to be Surveyors, who shall have and exercise within such Possession all the Powers with respect to the Inspection of Crew Spaces that are conferred upon the Board of Trade Surveyors in the United Kingdom by Section Nine of the Merchant Shipping Act, 1867.

Construction of Act.

4. This Act shall be read as One Act with the Merchant Shipping Act, 1854, and the Acts amending the same.

Short Title.

5. This Act may be cited as The Colonial Shipping Act, 1868.

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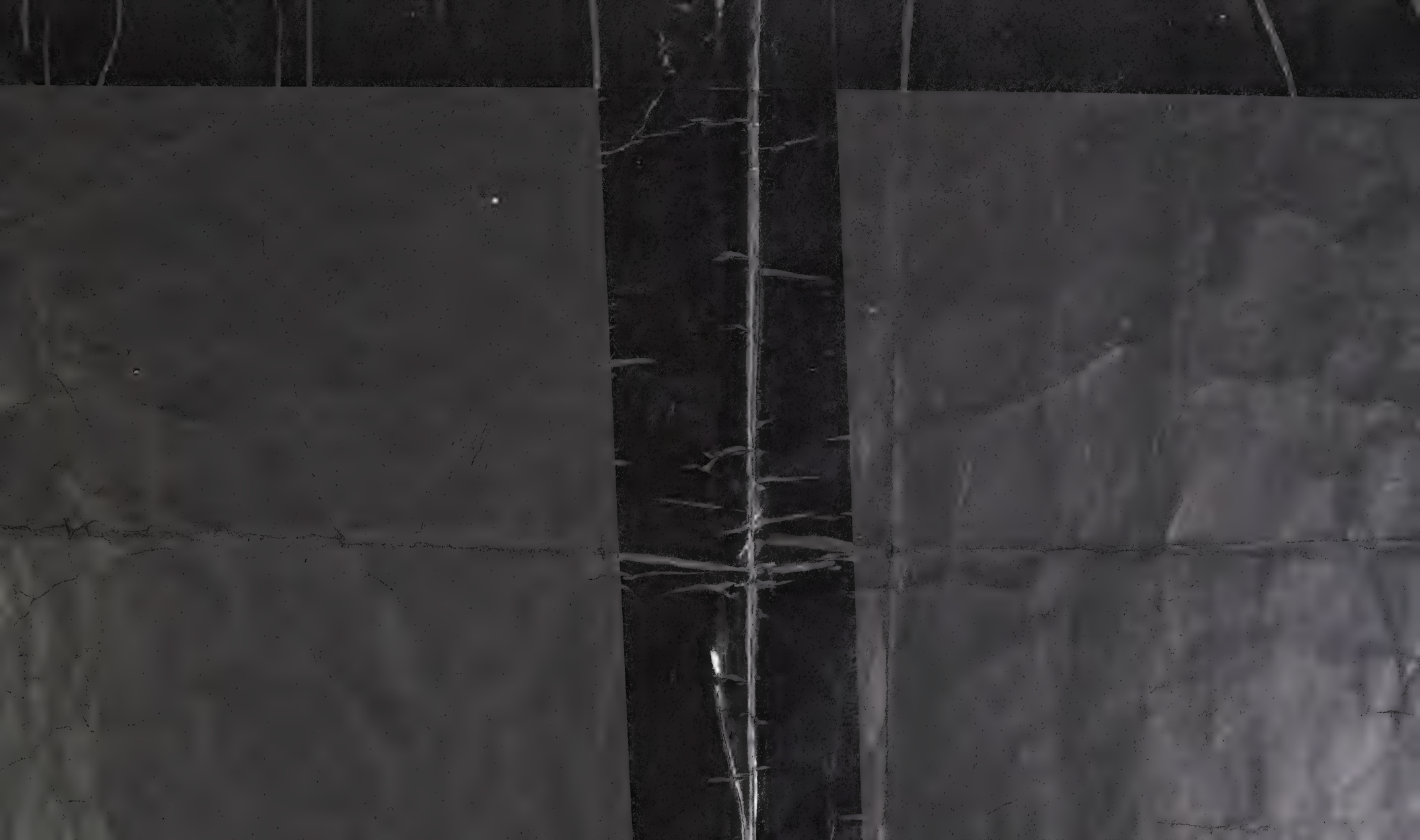

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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Town, or Place that would otherwise be included within the said Table, the Population whereof does not according to the Census for the Time being in force amount to the Number of Ten thousand Persons.

Interpretation of Terms:

3. The following Words and Expressions have in this Act the following Meanings, unless excluded by the Subject or Context; (that is to say,)

"Street" and "Square:"

The Word "Street" includes any Court, Alley, Street, Square, or Row of Houses:

"Premises:"

The Word "Premises" means any Dwelling House or inhabited Building, and the Site thereof, with the Yard, Garden, Outhouses, and Appurtenances belonging thereto or usually enjoyed therewith:

"Owner:"

The Expression "Owner," in addition to the Definition given by the Lands Clauses Act, shall include all Lessees or Mortgagees of any Premises required to be dealt with under this Act, except Persons holding or entitled to the Rents and Profits of such Premises for a Term of Years, of which Twenty-one Years do not remain unexpired:

"Person:"

"Person" shall include a Body of Persons, corporate or unincorporate:

"Quarter Sessions:"

"Quarter Sessions" shall include General Sessions, and in *Ireland* shall mean, in Towns and Boroughs where there are separate Quarter Sessions, the Quarter Sessions of said Boroughs and Towns, and in Boroughs where there are no separate Quarter Sessions, the Quarter Sessions of the Divisions of the Courts in which such Towns or Boroughs shall be situate:

"Officer of Health:"

"Officer of Health" shall mean and include Medical Officer of Health, Sanitary Inspector, or any Statutory Officer performing the Duties which a Medical Officer or Sanitary Inspector performs under or by virtue of any Act of Parliament:

"Local Officer," &c.:

In all Cases in which the Name of a Local Authority, Local Court, Magistrate, or Officer having any Local Jurisdiction in respect of their or his Office is referred to, without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Local Authority, Local Court, Magistrate, or Officer having Jurisdiction in that Place within which are situate the Premises or other Subject Matter or any Part thereof to which such Reference applies:

"The Metropolis:"

"The Metropolis" shall not include the City of *London* or the Liberties thereof, but shall include all other Parishes or Places within the Jurisdiction of the Metropolitan Board of Works:

"Borough" in *England* shall mean any Place for the Time being subject to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales: "Borough" in England.

"Burgh" in *Scotland* shall mean any Place returning or contributing to return Members to Parliament, or any Place subject to the Jurisdiction of a Town Council: "Burgh" in Scotland.

"Borough" in *Ireland* shall mean any Place for the Time being subject to the Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled *An Act for the Regulation of Municipal Corporations in* Ireland. "Borough" in Ireland.

4. If in any Place to which this Act applies there is no Officer of Health within the Meaning of this Act, the Local Authority, with the Approval of One of Her Majesty's Principal Secretaries of State, shall forthwith appoint such an Officer for such Period as shall be necessary, shall assign him his Duties, and pay him such Salary or Emolument out of the Local Rate as they, with such Approval as aforesaid, shall think fit. The Local Authority, with the like Approval, may from Time to Time remove any Officer appointed under this Section, and in manner aforesaid appoint another Officer in his Place. As to Appointment of Officers of Health and Payment of Salaries.

5. If in any Place to which this Act applies the Officer of Health find that any Premises therein are in a Condition or State dangerous to Health so as to be unfit for Human Habitation, he shall report the same in manner herein-after provided to the Local Authority. Officer of Health to report as to Condition of Streets.

6. Every Report made under this Act by the Officer of Health shall be made in Writing and delivered to the Clerk of the Local Authority, and the Local Authority shall refer such Report to a Surveyor or Engineer, who shall thereupon consider the Report so furnished to him, and report to the Local Authority what is the Cause of the Evil so reported on, and the Remedy thereof, and if such Evil is occasioned by Defects in any Premises, whether the same can be remedied by structural Alterations and Improvements or otherwise, or whether such Premises, or any and what Part thereof, ought to be demolished. Officer of Health to deliver Copies of Report to Clerk of Local Authority, who shall refer the same to a Surveyor, &c.

7. Upon Receipt of the Report of the Surveyor and Engineer the Local Authority shall cause Copies of both the Reports to be given to the Owner, with Notice of the Time and Place appointed by Local Authority to cause Copies of Reports to be given

to Owner, who may object to the same, and to prepare Plan and Specification of required Works.

by the Local Authority for the Consideration thereof, and such Owner shall be at liberty to attend and to state his Objections (if any) to such Reports, or either of them, including therein any Objection that the necessary Works ought to be done by or at the Expense of some other Person or Persons, or at the Expense of the Parish or District in which the Premises are situate; and on such Objections the Local Authority shall make an Order in Writing, signed by the Clerk of such Local Authority, which shall be subject to Appeal in manner herein-after mentioned; and if such Objections are overruled, the Local Authority, if they deem it necessary, shall cause to be prepared a Plan and Specification of the Works (if any), and an Estimate of the Cost of such Works, required to be executed.

Clerk of Local Authority to give Notice to Owner of Plan, &c. of required Works having been prepared.

8. The Clerk of the Local Authority shall thereupon forthwith give Notice to the Owner of the Premises, informing him that a Plan and Specification and Estimate of the Cost of such Works as are required in reference thereto have been prepared, and that such Plan and Specification and Estimate may, if such Owner think fit, be inspected and transcribed by him or his Agent at the Office of the Clerk of the Local Authority without Charge; and any such Owner may at any Time within Three Weeks after the Receipt of such Notice state in Writing to the Clerk of the Local Authority any Objection which he may entertain to the said Plan, Specification, and Estimate, or any of them, and may attend at a Time and Place to be appointed for such Purpose by the Local Authority to support such Objections; and the Local Authority shall thereupon make such Order in relation thereto as they may think fit; and if they decide that any Alteration is to be made in the said Plan, Specification, and Estimate, the Local Authority shall cause such Alteration to be made accordingly, and the Plan and Specification and Estimate so amended shall be the Plan and Specification and Estimate according to which the Works shall be executed.

Persons aggrieved by Order of Local Authority may appeal against the same.

9. Any Person aggrieved by any Order of the Local Authority, or his Agent, may appeal against the same to the Court of Quarter Sessions held next after the making of the said Order, but the Appellant shall not be heard in support of the Appeal unless, within One Calendar Month after the making of the Order appealed against, he give to the Clerk of the Local Authority Notice in Writing stating his Intention to appeal, together with a Statement in Writing of the Grounds of Appeal, and shall, within Two Days after giving such Notice, enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned

ditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as may be awarded by the Court or any Adjournment thereof; and the Court, upon the appearing of the Parties, or upon their making default, shall have full Power and Jurisdiction to make such Order and give such Directions as under the Circumstances shall seem just, and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they think proper, and the Determination of the Court in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided,—

First, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for the next Sessions at which the Appeal can be heard:

Secondly, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid:

Thirdly, that in any Case of Appeal the Court shall, at the Request of either Party, state the Facts specially for the Determination, in *England* or *Ireland*, of Her Majesty's Court of Queen's Bench, or in *Scotland* of either Division of the Court of Session, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or by Petition, into the said Courts of Queen's Bench or to the Court of Session respectively:

Fourthly, that pending any Appeal no Work shall be done nor Proceedings taken under any Order until after the Determination of such Appeal, or it shall cease to be prosecuted.

Owner may appeal where Decision of Local Authority is against him.

10. If the Owner appeal from the Decision of the Local Authority upon the Objection that he is not responsible for the State and Condition of his Premises, he shall be bound to give Notice of his Appeal, and a Statement in Writing of the Ground thereof, to the Person or Persons, or to the Parish or District, alleged by him to be the Occasion of his Premises being in such a State or Condition as to render them liable to be reported upon under the Provisions of the Act, and such Person or Persons, or Parish or District, may appear before the Court, and be heard against his or their alleged Liability.

Where Local Authority decide in favour of Owner,

11. If the Local Authority shall decide in favour of the Objection of the Owner of the Premises that some other Person or Persons, or that the Parish or District in which the Premises are situate,

Reports and Notices to be sent to Parties liable.

situate, is or are responsible for the State and Condition of his Premises, the Local Authority shall forthwith send Copies of the Reports of the Officer of Health and of the Surveyor or Engineer to such Person or Persons, or to the Officer of such Parish or District, together with Notice of his or their alleged Liability, and shall appoint a Time and Place for hearing the Parties so alleged to be liable, and give Notice thereof to the said Parties and also to the Owner of the Premises, and the Local Authority shall make such Order thereupon as to them shall seem just, and the same shall be subject to Appeal in manner aforesaid.

On Representation by Householders that Disease exists in any House, Officer of Health to inspect and report.

12. If and whenever any Four or more Householders living in or near to any Street by Writing under their Hands represent to the Officer of Health that in or near that Street any Premises are in a Condition or State dangerous to Health so as to be unfit for Human Habitation, he shall forthwith inspect the Premises, and report thereon; but the Absence of any such Representation shall not excuse him from inspecting any Premises, and reporting thereon.

If Local Authority neglect to enforce Act, Secretary of State may compel it to proceed.

13. In the event of the Local Authority declining or neglecting for the Space of Three Calendar Months after receiving such Report to take any Proceedings to put this Act in force, the Householders who signed such Representation may address a Memorial to the Secretary of State stating the Circumstances, and asking that an Inquiry be made, and upon Receipt of such Memorial the said Secretary of State may direct the Local Authority to proceed under the Provisions of the Act, and such Direction shall be binding on the Local Authority.

Owner to signify to Clerk of Local Authority whether he is willing to execute specified Works.

14. Within Three Calendar Months after the Service on the Owner of the Order by the Clerk of the Local Authority, or, in the Case of Appeal, within One Calendar Month after the Order of Quarter Sessions, or, in the event of a further Appeal, within One Calendar Month after the Order of the Court of Final Appeal, the Persons so served with the Order of the Local Authority shall each of them signify in Writing to the Clerk of the Local Authority whether he is willing to effect the Works required to be executed; and where Two or more Persons shall so signify, the Right of effecting the Works shall be given first to the Person whose Ownership is first or earliest in Title.

Service of Notice on Owner whose Name and Residence are known.

15. Where the Owner of the Premises and his Residence or Place of Business are known to the Local Authority, it shall be the Duty of the Clerk of the Local Authority, if the Owner be residing or have a Place of Business within the District of such Local Authority,

Authority, to give any Notice by this Act required to be served on him to the Owner, or for him, to some Inmate of his Place of Residence or Business within the Place; and if he be not residing within such District, or has no Place of Business therein, then to send the Notice by Post in a registered Letter addressed to the Owner at his Place of Residence or Business; provided that the Notice served upon the Agent of the Owner shall be deemed Notice to the Owner.

Service of Notice on Owner whose Name or Residence is not known.

16. Where the Owner of the Premises or his Residence or Place of Business is not known to, or after diligent Inquiry cannot be found by the Local Authority, then the Clerk of the Local Authority may serve the Notice by leaving it, addressed to the Owner, with some Occupier of the Premises, or if there be not an Occupier, then by causing it to be put up on some conspicuous Part of the Premises.

Notices to be signed by the Local Authority.

17. Every Notice required to be given by the Clerk of the Local Authority by this Act shall be in Writing or Print, or partly in Writing and partly in Print, and shall be signed by the Clerk of the Local Authority or Deputy appointed by him.

Local Authority to require Owners to execute Works as in Specification.

18. The Owner on whom the Local Authority shall have imposed in the first instance the Duty of executing the Work shall, within Two Calendar Months thereafter, commence the Works as shown on the Plan and described in the Specification, and shall diligently proceed with and complete the same in conformity with the Specification to the Satisfaction of the Surveyor or Engineer appointed by the Local Authority; and if such Owner shall fail therein, the Local Authority shall require the Owner next in order as aforesaid to execute the said Works, and in case of his Default shall require the remaining Owners in their Order as aforesaid; and if all such Owners shall make default, the Local Authority shall, as the Case may seem to them to require, either order the Premises to be shut up or to be demolished, or may themselves execute the required Works in conformity with the Specification.

Proceedings of Local Authority in case Owners neglect.

Provision in case Local Authority themselves execute the Works.

19. Where the Local Authority themselves execute the Works, they may apply to the Court of Quarter Sessions having Jurisdiction over the Place of which they are the Local Authority for an Order charging on the Premises on which the Works have been executed the Amount of all Costs, Charges, and Expenses that have been incurred by such Authority in or about the Execution of such Works, including the Costs of obtaining the Order; and the Court of Quarter Sessions, when satisfied of the Amount so expended, shall make an Order accordingly, charging on the Premises

mises the Amount of such Costs, Charges, and Expenses, together with Interest at the Rate of Four Pounds *per Cent. per Annum*, and such Order shall be filed and recorded in manner herein-after mentioned, and thereupon the Amount of Principal and Interest thereby secured shall be a Charge on the House, bearing Interest at Four *per Centum*, and having Priority over all other Estates, Incumbrances, and Interests whatsoever, and the Local Authority shall, for the Purpose of obtaining Satisfaction of the Monies so charged, or of any Interest thereon, be deemed to be a Mortgagee of an absolute Estate in the House, and shall be invested with all the Powers conferred on Mortgagees by Part II. of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and forty-five, and in *Scotland* such Order shall be recorded in the appropriate Register of Sasines.

Local Authority to pay Compensation when total Demolition required.

20. If the Requirements of the Order involve the total Demolition and not the Improvement of the Premises specified therein, the Owner shall, within Three Months after Service of the Order, proceed to take down and remove the Premises, and if such Owner fail therein, then the Local Authority shall proceed to take down and remove the same; and the Local Authority shall sell the Materials, and, after deducting the Expenses incident to such taking down and Removal, pay over the Balance of Monies, if any, to the Owner.

Determination of Tenancies.

21. Where at the Time of making the Order the Premises specified therein, or any Part thereof, are or is subject to any Tenancy from Year to Year, or for a Year or for any less Term, the Local Authority shall give Notice to every such Tenant, stating the Time at which such Tenancy will be determined.

Remedies of Owner for Breach of Covenant, &c. not to be prejudiced.

22. Provided always, that nothing in this Act contained shall prejudice or interfere with the Rights or Remedies of any Owner for the Breach, Nonobservance, or Nonperformance of any Covenant or Contract entered into by a Tenant or Lessee in reference to any Premises in respect of which any Order shall be made by a Local Authority; and if any Owner shall be obliged to take possession of any Premises in order to comply with any Order made under the Provisions of this Act, such Entry or taking possession shall not affect his Right to avail himself of any such Breach, Nonobservance, or Nonperformance that may have occurred prior to his so taking possession.

Owner instead of effecting Improvements

23. If the Order be that the Premises require Improvement, the Owner, including therein the Owner of the First Estate of Inheritance, if he think fit, may, instead of effecting the Works required

required by the Plan and Specification, take down the Premises; but in every such Case, and also in the event of the Owner desiring to retain the Site of the Premises required by the Order to be totally demolished, no House or other Building or Erection shall be erected on all or any Part of the Site of the Premises so taken down which shall be injurious to Health; and the Local Authority may at any Time make an Order upon the Owner to abate or alter the said House, Building, or Erection, as the Case may require; and in the event of Noncompliance with such Order the Local Authority may, at the Expense of the Owner thereof, abate or alter any House or other Building or Erection at any Time wholly or partly erected contrary to the Provisions of this Section.

may take down Premises.

24. When there are Two or more Owners of any Premises, and it appears to any Two Justices in Petty Sessions, on Application of any Owner of such Premises, that the Interest of the Applicant in the Premises will be prejudiced by the Neglect and Default of any other Owner to deal with the Premises in conformity with the Order so made, it shall be lawful for such Justices, if the Applicant undertake to their Satisfaction to bring the Premises into conformity with such Order, to make an Order empowering the Applicant forthwith to take possession of the Premises, and to do all such Works as may be necessary for bringing the same into conformity with such Order, and within such Time as shall be fixed by such Justices, and on Non-compliance by such last-mentioned Applicant with his Undertaking it shall be lawful for the Justices to make a like Order in favour of any other Owner.

Application may be made to Justices where more than One Owner of Premises included in Order under Act, and any One Owner neglects to comply with such Order.

25. Where any Owner has completed any Works required to be executed by a Local Authority in pursuance of this Act, he may on the Completion thereof apply to the Local Authority for a Charging Order charging on the Premises on which the Works have been executed an Annuity as Compensation to the Owner for the Expenditure incurred by him in executing such Works, and shall produce to the Local Authority the Certificate of their Surveyor or Engineer that the Works have been executed to his Satisfaction, and also the Accounts and Vouchers for such Works, and the Local Authority, when satisfied that the Owner has duly executed such Works, shall make a Charging Order accordingly.

Grant of Annuity to Owner on Completion of Works.

The Annuity charged shall be a Sum of Six Pounds for every 100*l.* of such Expenditure, and so in proportion for any less Sum, to commence from the Date of the Order, and to be payable for a Term of Thirty Years to the Owner named in such Order, his Executors, Administrators, or Assigns.

Charging Orders made under this Act shall be made according to the Form marked A. in the Second Schedule hereto annexed, or as near thereto as the Circumstances of the Case will admit.

The Costs of obtaining the Order to be allowed by the Local Authority shall be deemed to be Part of the Expenditure incurred by the Owner.

Incidence of Charge.

26. Every Annuity created by a Charging Order under this Act shall be a Charge on the Premises comprised in the Order, having Priority over all existing and future Estates, Interests, and Incumbrances, with the Exception of Quitrents and other Charges incident to Tenure, Tithe Commutation Rentcharges, and any Charges created under any Act authorizing Advances of Public Money; and where more Annuities than One are chargeable under this Act on any Premises, such Annuities shall, as between themselves, take order according to their respective Dates.

Charges recoverable as Rentcharges in lieu of Tithes.

27. Every Annuity charged on any Premises by a Charging Order under this Act may be recovered by the Persons for the Time being entitled to the same by the same Means and in the like Manner in all respects as if it were a Rentcharge granted by Deed out of the Premises by the Owner thereof.

An Order to be Evidence of Compliance with Act.

28. An Order made in pursuance of this Act charging an Annuity on any Premises shall be, both at Law and in Equity, conclusive Evidence that all Notices, Acts, and Proceedings by this Act directed with reference to or consequent on the obtaining such Order, or the making such Charge, have been duly served, done, and taken, and that such Charge has been duly created, and that it is a valid Charge on the Premises declared to be subject thereto.

Registry of Charging Order on Premises in Middlesex and Yorkshire.

29. Every Charging Order made in pursuance of this Act relating to Premises in *Middlesex* or *Yorkshire* shall be registered in the same Manner respectively as if such Charge were made by Deed by the absolute Owner of such Lands without the Aid of this Act; and a Copy of every such Charging Order of the Certificate of such Surveyor or Engineer as aforesaid, together with a Copy of the Accounts as passed by the Local Authority, and which Copies shall be certified to be true Copies by the Clerk of such Local Authority, shall, within Six Months after the Date of such Charging Order, be deposited with the Clerk of the Peace of the County in which the Premises are situate, who shall be entitled to a Fee of Ten Shillings for filing and recording the same; and every Charging Order made in pursuance of this Act relating to Premises in *Scotland* shall be recorded in the appropriate Register of Sasines.

30. The

Assignment of Charge.

30. The Proprietor of any Charge may, by Deed under Seal, stamped with the same *ad valorem* Stamp as if it were an Assignment of a Charge created by Deed, assign the Benefit of the Charging Order, or of any Portion of the Charge comprised therein, to any other Person; and on such Assignment being executed the Assignee shall have the same Rights under the Order as the Proprietor would have had if no such Assignment had been executed; and any Assignee of a Charging Order may, by Deed stamped in manner aforesaid, assign the Charge to any other Person. Any Assignment of a Charging Order may be in the Form marked B. in the Schedule hereto, or in any other convenient Form.

As to Expenses of Local Authority.

31. All Expenses incurred by the Local Authority in pursuance of this Act shall be defrayed by them out of a special Local Rate, not exceeding Twopence in the Pound in any Year, which they are hereby empowered to assess and levy for the Purposes of this Act.

Power to Public Works Loan Commissioners to advance Monies to Local Authority.

32. The Public Works Loan Commissioners, as defined by the Public Works Loan Act, 1853, may, if they think fit, lend to any Local Authority, and any Local Authority may borrow from the said Commissioners, such Sums as the said Authority may require for the Purposes of this Act, but the Amount of every Loan shall be sanctioned by the Lords Commissioners of the Treasury.

Service of Notice on the Local Authority.

33. Any Summons, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise, in relation to carrying into effect the Objects and Purposes of this Act, required to be served upon the Local Authority, may be lawfully served by delivering the same to the Clerk of the Local Authority, or leaving the same at his Office with some Person employed there by him.

Notices served by Local Authority to be signed by the Clerk.

34. Any Notice, Demand, or other written Document served by the Local Authority for the Purposes of this Act shall be signed by the Clerk of the Local Authority.

Penalty for obstructing Officer of Health, &c. in execution of Act.

35. Where any Person at any Time obstructs the Officer of Health or other Person acting in the Performance of anything which the Local Authority or their Officers respectively are by this Act required or authorized to do, every Person so offending shall for every such Offence forfeit not exceeding Twenty Pounds.

Penalty for preventing Execution of Act.

36. If the Occupier of any Premises prevents the Owner thereof, or if the Owner or Occupier of any Premises prevents the Officer of Health, or their Officers, Agents, Servants, or Workmen, from carrying into effect with respect to the Premises any of the Provisions of this Act, after Notice of the Intention so to do has been

been given to the Occupier, or, as the Case shall be, to the Owner, any Justice on Proof thereof may make an Order in Writing requiring the Occupier to permit the Owner, or, as the Case shall be, requiring the Owner or Occupier, or both, to permit the Officer of Health, or the Local Authority, and their Officers, Agents, Servants, and Workmen, to do all things requisite for carrying into effect with respect to the Premises the Provisions of this Act; and if at the Expiration of Ten Days after the Service of such Order of the Justice the Occupier or Owner fails to comply therewith, every Person so offending shall for every Day during which the Failure continues forfeit not exceeding Twenty Pounds: Provided that during any such Failure by the Occupier the Owner, unless assenting thereto, shall not be liable to the Forfeiture.

Appearance of Local Authority.

37. The Local Authority may appear before any Judge, Justices, Borough Magistrates, Sheriff, or Sheriff Substitute, by their Clerk, and any Company or Body Corporate may appear before the said Magistrate or Magistrates by any Member of their Board of Management.

Recovery of Penalties.

38. Penalties under this Act may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or any Act amending the same, and in *Scotland* by summary Complaint before the Sheriff, Sheriff Substitute, or Two Justices, or in Boroughs before the Magistrates, in manner provided by "The Summary Procedure Act, 1864," and in *Ireland* in manner directed by "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same.

Application of Act to Scotland.

39. For the Purpose of adapting this Act to *Scotland* the following Alteration shall be made; that is to say,

1. "The Lands Clauses Consolidation Act (*Scotland*), 1845," shall be substituted for "The Lands Clauses Consolidation Act, 1845:"
2. All the Judicial Powers given to Justices in Quarter Sessions by this Act shall be exercised by Sheriffs of Counties or Sheriff Substitutes; and wherever by this Act an Appeal is given to the Court of Quarter Sessions, and thence to the Court of Queen's Bench, such Appeal shall be to the Sheriff of the County, and from him to the Court of Session in the usual Manner.

40. For

Application of Act to Ireland.

40. For the Purpose of adapting this Act to *Ireland* the Words "The Lands Clauses Consolidation Act, 1845," shall mean "The Railways Act, *Ireland*, 1851," and the several Acts amending the same.

Jurisdiction of certain Magistrates.

41. Any Act, Power, or Jurisdiction hereby authorized to be done or exercised by Two Justices may be done or exercised by the following Magistrates within their respective Jurisdictions; that is to say: As to *England*, by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of *London*, or any Alderman of the said City, sitting alone or with others, at the *Mansion House* or *Guildhall*; as to *Scotland*, by the Sheriff or Sheriff Substitute, or by any Two Magistrates of a Burgh; and as to *Ireland*, by any One or more Divisional Magistrates of Police in the Police District of *Dublin*, and elsewhere by Two or more Justices of the Peace in Petty Sessions.

SCHEDULES.

FIRST SCHEDULE.

TABLE A.

ENGLAND AND WALES.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
The City of London and the Liberties thereof. Local Acts { 11 & 12 Vict. c. 163. 14 & 15 Vict. c. 91.	Commissioners of Sewers of the City of London. Local Act 11 & 12 Vict. c. 163.	The Consolidated Rate 11 & 12 Vict. c. 163. s. 158.	The Clerk to the Commissioners. 11 & 12 Vict. c. 163. s. 25.
The Metropolis - -	The Vestries and District Boards under the Act 18 & 19 Vict. c. 120. within their respective Parishes and Districts.	Rate to be levied for defraying the Expenses of the Act 18 & 19 Vict. c. 120.	Clerk of the Vestries or District Boards.
Boroughs not within the Jurisdiction of such Local Board as aforesaid.	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or other Property applicable to the Purposes of a Borough Rate or the Borough Rate.	The Town Clerk.
Any Town not included in the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of improving, cleansing, or paving any Town.	The Commissioners, Trustees, or other Persons entrusted by the Local Act with Powers of improving, cleansing, or paving the Town.	Any Rate leviable by such Commissioners, Trustees, or other Persons, or other Funds applicable by them to the Purposes of improving, cleansing, or paving the Town.	The Clerk of the Commissioners or Trustees or other Persons or other Officer performing the Duties of Clerk.
Places within the Jurisdiction of Local Boards, constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts.	The Local Board -	General District Rate 11 & 12 Vict. c. 63. s. 87.	Clerk of the Local Board or other Officer performing Duties of Clerk. 11 & 12 Vict. c. 63. s. 37.

Artizans and Labourers Dwellings.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
SCOTLAND.			
Burghs - - - -	The Magistrates and Town Council.	The Revenue of the Burgh or the Local Rate leviable for Prison Purposes under 23 & 24 Vict. c. 105., or any other Local Rate leviable by the Town Council.	Town Clerk.
Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners acting under "The General Police and Improvement (Scotland) Act," or Trustees or Commissioners acting under any General or Local Act.	The Police or other Commissioners or Trustees.	Property or Rate belonging to or leviable by the Commissioners or Trustees.	Clerk of the Commissioners or Trustees or any other Officer performing the Duties of Clerk.
IRELAND.			
The City of Dublin -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or Borough or Improvement Rate.	The Town Clerk.
Towns Corporate or Boroughs (with the Exception of the City of Dublin).	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund, or Town Fund, or Borough Rate.	The Town Clerk.
Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	The Town Commissioners or other Governing Body.	Any Rate leviable by these Bodies, or any Fund belonging to them applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.	The Clerk of the Commissioners or other Governing Body.

SECOND SCHEDULE.

FORM MARKED A.

The Artizans and Labourers Dwellings Act, 1868.

County of
Parish of
No.

Charging Order.

Insert Description of Local Authority.

The being the Local Authority under the above-mentioned Act, do, by this Order under their Hands and Seal, charge the Inheritance or Fee of the Premises mentioned in the Schedule hereto with the Payment to of the Sum of Pounds, payable yearly on the Day of for the Term of Years, and being in consideration of an Expenditure of Pounds incurred by him in respect of the said Premises.

SCHEDULE.

Insert Description of Premises charged.

FORM MARKED B.

Form of Assignment of Charge.

To be endorsed on Charging Order.

Dated the Day of .

I, the within-named in pursuance of the Artizans and Labourers Dwellings Act, 1868, and in consideration of Pounds this Day paid to me, hereby assign to the within-mentioned Charge.

(Signed)

THIRD

THIRD SCHEDULE.

I. *Form of Order by Court of Quarter Sessions or Petty Sessions, or Court of Burgh Magistrates in Scotland.*

Be it remembered, That on the Day of 18 upon the Report herein-after mentioned, we, the undersigned Justices, assembled at the Court of Quarter Sessions holden in and for the County of , *or* assembled in Petty Sessions for the Division or District of the Borough or County of , *or* Members of the Court of Burgh Magistrates for [*as the Case may be*], do hereby order and determine that One or more House or Houses or Buildings situate in a certain Court or Alley within the Borough or Burgh, known or designated as Court or Alley [*or otherwise distinguishing the Premises*], and specified in the Report of the Officer of Health for the dated the Day of 18 , is or are unfit for Human Habitation, and ought to be improved or demolished [*as the Case may be*], in pursuance of "The Artizans and Labourers Dwellings Act, 1868."

II. *Form of Notice by Clerk of the Peace, Clerk of the Justices, or Clerk of the Court of Burgh Magistrates in Scotland to Clerk of Local Authority.*

Artizans and Labourers Dwellings Act, 1868.

I, *A.B.*, Clerk of the Peace *or* Clerk of the Justices [*or* Clerk of the Court of Burgh Magistrates] for the , do hereby certify, That on the Day of 18 the Justices assembled at the Court of Quarter Sessions, *or* assembled at the Petty Sessions for the [*or* Court of the Burgh

Magistrates] [*as the Case may be*], made an Order, of which the following is a true Copy:

[*Here give a Copy of the Presentment, Form* I.]

As witness my Hand, this Day of in the Year of our Lord 18 .

(Signed) (*A.B.*) Clerk of the Peace *or* Clerk of the Justices for
[*or* Clerk of the Court of Burgh Magistrates].

To the Clerk of the
of .

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JAN 1981